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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

FIELD ORGANIZATION IN ALASKA AND PUERTO RICO

Section 300.1, part 300 of Title 6 of the Code of Federal Regulations, as amended (11 F. R. 14221) is amended by adding to paragraph (c) thereof a subparagraph, numbered (6), reading as follows:

§ 300.1 *General functions and organization of the Farmers Home Administration.* * * *

(c) *Field organization.* * * *

(6) *Territorial subdivisions in Alaska and Puerto Rico.* In Alaska and Puerto Rico, for the purposes of Title I, Title II, and the related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, as amended, each of the areas identified below is designated a subdivision to be deemed synonymous with the term "county," as the term is used in said titles. Each such subdivision consists of, and is co-extensive with the geographical limits of, the area set forth opposite the name of the subdivision.

ALASKA

DIVISIONS OR PRECINCTS

Name of Subdivision and Comprising Subdivision

Anchorage: Recording Precincts of Anchorage, Kenai-Anchorage, Seward, Whittier, Fairbanks: Fourth Division.
Homer: Recording Precincts of Seldovia, Kodiak, Kvichak, Iliamna, Bristol Bay.
Palmer: Recording Precincts of Palmer, Wasilla, Talkeetna, Chitna.

PUERTO RICO

Name of Subdivision and Municipalities Comprising Subdivision

Adjuntas: Adjuntas.
Aguadilla: Aguada, Aguadilla, Moca.
Angeles: The Wards of Angeles, Caguas, Roncador, Santa Isabel, and Santa Rosa in the municipality of Utuado.
Arecibo: Arecibo, Barceloneta.
Barranquitas: Albonito, Barranquitas.
Bayamon: Bayamon, Catano, Guaynabo, Toa Alta, Toa Baja.
Caguas: Caguas.
Camuy: Camuy, Hatillo, Quebradillas.

Carolina: Carolina, Trujillo Alto.
Cayey: Cayey.
Ciales: Ciales, Morovis.
Comerio: Aguas Buenas, Cidra, Comerio.
Corozal: Corozal, Naranjito.
Guayama: Arroyo, Guayama, Maunabo, Patillas, Salinas.
Humacao: Ceiba, Culebra, Fajardo, Humacao, Naguabo, Vieques.
Isabela: Isabela.
Jayuya: Jayuya.
Juana Diaz: Coamo, Juana Diaz, Santa Isabel, Villalba.
Juncos: Gurabo, Juncos, Las Piedras.
Lares: Lares.
Manati: Manati.
Mayaguez: Anasco, Las Marías, Maricao, Mayaguez, Rincon.
Orocovis: Orocovis.
Ponce: Guayanilla, Panuelas, Ponce.
Rio Grande: Lolza, Luquillo, Rio Grande.
San German: Cabo Rojo, Hormigueros, Lajas, San German, Sabana Grande.
San Juan: Rio Piedras, San Juan.
San Lorenzo: San Lorenzo.
San Sebastian: San Sebastian.
Utuado: Utuado, except the wards of Angeles, Caguas, Roncador, Santa Isabel, and Santa Rosa.
Vega Baja: Dorado, Vega Alta, Vega Baja.
Yabucoa: Yabucoa.
Yauco: Guanica, Yauco.

(Sec. 54, 50 Stat. 532, Pub. Law 731, 79th Cong., 60 Stat. 1062; 7 U. S. C. 1028)

Issued this 22d day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8018; Filed, Aug. 27, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 52]

PART 301—DOMESTIC QUARANTINE NOTICES

PINK BOLLWORM QUARANTINE

Introductory note. This revision of the quarantine and regulations involves primarily a relaxation of restrictions through the removal of the quarantine on account of the pink bollworm from the State of Louisiana and the transfer of the county of Starr, Texas, from the heavily infested to the lightly infested regulated area. This revision also in-

(Continued on p. 5763)

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clues under Federal regulation the coun-
ties of Hockley and Wharton, Texas.

Following discovery in the fall of 1943 of a severe pink bollworm infestation in Cameron Parish and the neighboring parishes of Calcasieu and Jefferson Davis, in southwestern Louisiana, an intrastate quarantine controlling movement of host material from the infested parishes was immediately issued by the State Entomologist to prevent spread of the insect to other parts of the State. Coincident with this action and under State authority, field clean-up and other measures were undertaken cooperatively to eradicate the infestations. The Department cooperated in the enforcement of State requirements. After a public hearing, similar regulations were included in the Federal quarantine effective May 1, 1944. Through further State action, with Federal cooperation, these measures were extended to include the enforced non-production of cotton in Cameron Parish during the 1944 crop year. Cotton production was resumed in this Parish in 1945. The production, ginning, and marketing of cotton in Calcasieu and Jefferson Davis Parishes was under regulation during the years 1944 to 1946, and similar regulations applied to Cameron Parish in 1945 and 1946. Intensive annual field surveys and inspection of trash from all gins handling cotton produced in these areas have been made each crop year. These inspections through three full seasons have failed to reveal any pink bollworms in these three Parishes since the original 1943 findings. It is, therefore, considered that the infestation has been eradicated and that it is no longer necessary to continue the quarantine and regulations as they affect the State of Louisiana. This conclusion is shared by the cooperating State officials and they have

taken action to remove the State regulations as they applied to the three parishes.

A survey of infestation, planting, ginning, and marketing conditions in Starr and adjacent Texas counties indicates that Starr County now properly belongs in the lightly infested regulated area, instead of the heavily infested area.

Light infestations of the pink bollworm were discovered in Hockley and Wharton Counties, Texas, during the fall of 1946. Immediately following this discovery, the State of Texas placed these counties under regulation, which provided the same control as that applied to all lightly infested areas. This revision adds these counties to the lightly infested area, confirming action already taken by the cooperating State of Texas.

The present revision of the quarantine and regulations represents formal Federal action to concur in State action already taken at the request and in accordance with suggestions of the United States Department of Agriculture. All scouting and surveys to determine degree of infestation or absence of infestation have been cooperative Federal-State activities. Imposition of non-cotton zones is dependent upon State police powers, and the same State police powers have been relied upon for immediate and timely changes in the regulated area. The States of Louisiana and Texas have fully cooperated in exercising such powers. In activities within these States, the Federal Government exercised leadership and had cooperative interest to assure that the measures taken were adequate to prevent spread of the pink bollworm from infested areas. The action taken by the State of Louisiana, with the concurrence of the United States Department of Agriculture, relieved restrictions there in conformity with existing pest risk. Revision of the Texas State Quarantine, also with Departmental concurrence, provided needed prompt protection to the rest of Texas as well as to uninfested States. Had not the States taken these actions in accordance with Departmental suggestions, the only alternative would have been to include each State in its entirety within the Federal regulated area. Such action would have been inconsistent with the objectives of both Federal and State regulatory activities, and was rendered unnecessary by complete State cooperation. This revision will not impose upon persons affected by the quarantine any substantive requirements other than those to which they are presently subject under State regulations. It was understood at the time the States placed their regulations in effect that these amendments to the quarantine and the regulations would be made effective as soon as possible. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this revision are unnecessary, and good cause is found for the issuance of the revision effective less than 30 days after publication.

Notice of determination of the Secretary of Agriculture. The Secretary of Agriculture has determined that it is

necessary further to revise the pink bollworm quarantine and regulations supplemental thereto, 7 CFR 1944, 1945, and 1946 Supps., 301.52 and 301.52-1 et seq., in order to remove the quarantine from the State of Louisiana and to make other modifications. The quarantine and regulations are therefore hereby revised to read as follows:

Sec.	Notice of quarantine.
301.52	Definitions.
301.52-1	Regulated areas.
301.52-2	Articles the interstate movement of which is restricted or prohibited.
301.52-3	Articles the interstate movement of which is restricted or prohibited.
301.52-4	Conditions concerning the issuance of certificates or permits.
301.52-5	Limited permits.
301.52-6	Restricted articles originating outside the regulated area.
301.52-7	Cleaning or treating requirements for other articles when contaminated with cotton or cotton products originating within a regulated area.
301.52-8	Dealer-carrier permits.
301.52-9	Cancellation of certificates.
301.52-10	Authorization of alternate treatments.
301.52-11	General certification provisions and marking and labeling requirements.
301.52-12	Shipments for experimental and scientific purposes.

Authority: §§ 301.52 to 301.52-12, inclusive, issued under sec. 8, of the Plant Quarantine Act of Aug. 29, 1912, as amended, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 259; 7 U. S. C. 161.

§ 301.52 *Notice of quarantine.* (a) Under the authority conferred by section 8 of the Plant Quarantine Act of August 29, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture quarantines the States of Arizona, New Mexico, and Texas to prevent the spread of the pink bollworm. Hereafter (1) *cara*, including all parts of the plants; (2) cotton, wild cotton, including all parts of either cotton or wild cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton fiber, gin waste, cottonseed, cottonseed hulls, cottonseed cake, and meal; (3) bagging and other containers and wrappers of cotton and cotton products; (4) railway cars, boats, and other vehicles which have been used in conveying regulated cotton products or which are fouled with such products; and (5) when contaminated with regulated cotton products, any other commodities, including farm products, farm household goods, and farm equipment, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the States of Arizona, New Mexico, or Texas into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations supplemental hereto and amendments thereof: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, within the quarantined States, as are now or may hereafter be designated by the Secretary of Agriculture as regulated areas, adequate, in his

judgment, to prevent the spread of the pink bollworm, except that any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles under the conditions which apply to their interstate movement under provisions of the Federal quarantine regulations, currently existing, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof, as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the applicable regulation shall be made less stringent, whereupon such modifications shall become effective for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.52-1 *Definitions*. For the purpose of §§ 301.52 to 301.52-12, inclusive, the following words, names, and terms shall be construed respectively to mean:

(a) *Pink bollworm*. The insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saund.) in any stage of development.

(b) *Cotton and cotton products*. Cotton and wild cotton plants of the genera *Gossypium* and *Thurberia*, and products of these plants, including seed cotton; cottonseed; cotton lint and linters, and all forms of unmanufactured cotton fiber; cottonseed hulls, cake, and meal; gin waste; and all other parts of such plants.

(c) *Seed cotton*. All forms of cotton lint from which the seed has not been separated.

(d) *Lint*. All forms of unmanufactured cotton fiber except linters.

(e) *Linters*. All forms of unmanufactured cotton fiber separated from cotton seed after the lint has been removed.

(f) *Approved*. Officially sanctioned by the Chief of the Bureau of Entomology and Plant Quarantine.

(g) *Certificate*. An approved document issued by an inspector evidencing the apparent freedom of restricted articles from the pest.

(h) *Limited permit*. An approved document issued by an inspector to allow movement of noncertified, restricted articles to or from authorized and designated gins, oil mills, and processing or manufacturing plants. Limited permits will cover all interstate movements of restricted articles while in the process of being made eligible for certification.

(i) *Dealer-carrier permit*. An approved document issued to persons or

firms engaged in ginning, manufacturing, or processing restricted articles for subsequent interstate movement from regulated areas, and to persons or firms moving restricted articles interstate from regulated areas.

(j) *Infestation or infested area*. These terms refer to the presence of the pink bollworm.

(k) *Interstate movement or moved interstate*. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from any regulated area interstate to points outside thereof.

(l) *Inspector*. An inspector of the United States Department of Agriculture.

(m) *Okra* (*Hibiscus esculentus*). Okra plants and products of the plants, including seed and edible and dry pods.

§ 301.52-2 *Regulated areas*. The following areas are hereby designated as regulated areas within the meaning of §§ 301.52 to 301.52-12, inclusive, and are further classed as heavily or lightly infested:

(a) *Heavily infested areas*—(1) *Texas*. Counties of Brewster, Cameron, Culbertson, Jeff Davis, Hidalgo, Hudspeth, Presidio, Terrell, Willacy, and that part of El Paso County lying east of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80, where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner; thence due north to the Texas-New Mexico boundary.

(b) *Lightly infested areas*—(1) *Arizona*. Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County¹ except that part lying west of the western boundary line of range 8 east.

(2) *New Mexico*. Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, Socorro, and Valencia.

(3) *Texas*. Counties of Andrews, Aransas, Atascosa, Bailey, Bee, Borden, Brazoria, Brooks, Brown, Caldwell, Calhoun, Chambers, Cochran, Coke, Coleman, Concho, Crane, Dawson, Dimmit, Duval, Ector, Frio, Gaines, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Hockley, Howard, Irion, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kennedy, Kleberg, La Salle, Liberty, Live Oak, Loving, Martin, Matagorda, Maverick, McCulloch, McMullen, Medina, Midland, Mitchell, Nolan, Nueces, Orange, Pecos, Reeves, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Starr, Sterling, Taylor, Terry, Tom Green, Upton, Uvalde, Victoria, Ward, Webb, Wharton, Wilson, Winkler, Yoakum, Zapata, and Zavala; that part of El Paso County lying west of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80 where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner;

¹Part of the lightly infested area in Arizona is regulated on account of the *Thurberia* weevil under Quarantine No. 61, and shipments therefrom must also comply with the requirements of that quarantine.

thence due north to the Texas-New Mexico boundary; and that part of Harris County lying east of the San Jacinto River and its tributary the east fork of the San Jacinto River and north of the Houston Ship Channel.

§ 301.52-3 *Articles the interstate movement of which is restricted or prohibited*—(a) *Articles prohibited movement*. The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products (other than seed cotton, cotton lint, and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake) is prohibited.

(b) *Articles the interstate movement of which is limited*—(1) *Seed cotton*. The interstate movement of seed cotton will be allowed only from lightly infested area to contiguous regulated area for the purpose of ginning for which movement no permit is required.

(2) *Cottonseed produced in heavily infested area*. The interstate movement of cottonseed produced within a heavily infested area to points outside such area will be limited to contiguous lightly infested area under the conditions provided in § 301.52-4 (c) (2) either for planting therein or for processing in designated authorized oil mills.

(c) *Articles conditionally authorized interstate movement*. Cotton lint and linters, either baled or unbaled, cottonseed produced in lightly infested area, cottonseed hulls, meal, and cake, and okra may be moved interstate (1) from regulated area to points outside thereof, or (2) from regulated area to noncontiguous regulated area, or (3) from heavily infested to contiguous lightly infested area, only when accompanied by a certificate or permit as hereinafter provided. No certificates or permits are required for the interstate movement of articles listed in this paragraph from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous heavily infested area.

§ 301.52-4 *Conditions governing the issuance of certificates and permits*—

(a) *Cotton lint*. A certificate may be issued for the interstate movement of baled cotton lint originating in a regulated area when said cotton lint has been produced in an approved gin and has been given any one of the following treatments under the supervision of an inspector and subsequently protected from contamination: (1) Passed in bat form between approved heavy steel rollers set not more than 1/64 inch apart; or (2) given approved vacuum fumigation; or (3) given standard or high density compression: *Provided*, That lint cotton from Presidio and Brewster Counties, Texas, (part of the heavily infested area) may be moved interstate only when treated as specified under (1) or (2) of this paragraph.

(b) *Cotton linters*. Certificates may be issued for the interstate movement of linters from any regulated area when produced from sterilized seed in an approved oil mill, and subsequently protected from contamination.

(c) *Cottonseed*—(1) *From lightly infested area*. A certificate may be issued

for the interstate movement of cottonseed originating in a lightly infested area, to any destination, when produced in an approved gin within the area after said seed has been heated to a temperature of 150° F. for a minimum period of 30 seconds, as a part of the continuous process of ginning, under the supervision of an inspector, and subsequently protected from contamination: *Provided*, That heat treatment incidental to certification may be accomplished at plants designated by the Chief of the Bureau of Entomology and Plant Quarantine as provided in § 301.52-5.

(2) *From heavily infested area.* Limited permits may be issued for interstate movement of cottonseed originating in heavily infested area after the seed has been treated under supervision of an inspector in a manner prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, and when it is consigned only to contiguous lightly infested area for planting therein.

All other cottonseed originating in a heavily infested area will be authorized interstate movement under a limited permit only to contiguous lightly infested area for processing therein in an oil mill designated and authorized by authority of the Chief of the Bureau of Entomology and Plant Quarantine under the following conditions: When the seed has been treated and protected as provided in subparagraph (1) of this paragraph for the lightly infested area, and (i) when given a second heat treatment at a temperature of 155° F. for a minimum period of 60 seconds under the supervision of an inspector, at a plant operated separate and apart from the gin or gins which applied the initial heat treatment as a part of the continuous process of ginning, and when the seed has been subsequently protected from contamination; or (ii) when the seed is given, under the supervision of an inspector, the foregoing second heat treatment at the designated oil mill, on arrival. The cars or other vehicles conveying the seed to be designated oil mills must be cleaned and sterilized, under the supervision of an inspector, immediately after unloading. This applies to cars or vehicles conveying seed that has been given the second heat treatment either under (i) or (ii) hereinabove prescribed.

(d) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector, and subsequently protected from contamination.

(e) *Samples of cotton lint and linters.* A certificate may be issued for the interstate movement of samples of lint cotton and linters (approximately 1½ pounds) originating in a regulated area without restrictions other than that the bales of lint cotton or linters from which the samples have been taken have been produced in an approved gin or oil mill and subsequently protected from contamination.

(f) *Okra.* Certificates may be issued for the interstate movement of edible okra produced in a heavily infested area

under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine. Okra produced in a lightly infested area under such conditions as to render it free from infestation may move interstate without treatment or certification.

NOTE: Section 301.52-4b Administrative instructions designating certain lightly infested counties in New Mexico and Texas from which baled cotton lint may be moved without treatment (7 CFR, 1945 Supp.) and § 301.52-4d Administrative instructions authorizing additional methods of treating cotton seed originating in heavily infested area for movement to points outside such area (7 CFR, 1945 Supp.) remain in effect.

§ 301.52-5 *Limited permits.* Limited permits will be issued for the movement of noncertified, restricted articles to such gins, oil mills, or processing or manufacturing plants as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quarantine for manufacturing, processing, or treatment incidental to preparing such products for certification. As a condition of such authorization and designation, operators of gins, oil mills, or manufacturing, or processing plants must agree in writing to handle restricted articles as to segregation of processed and nonprocessed products, efficient functioning of processing equipment, disposition of waste, use of uncontaminated containers of processed products, prevention of contamination of processed products, and the maintenance of identity of regulated and nonregulated products in such a manner as to prevent the spread of the pink bollworm; and to maintain such other sanitary safeguards and restrictions against the establishment and spread of infestation as may be required by the inspector.

§ 301.52-6 *Restricted articles originating outside the regulated area.* Restricted articles originating outside the regulated area may be certified for interstate movement from a regulated area without processing, treatment, or sterilization if, while in the regulated area, these products have been handled and stored in such a manner as to maintain identity and as to prevent infestation or contamination with other restricted articles originating in the regulated area.

§ 301.52-7 *Cleaning or treating requirements for other articles when contaminated with cotton or cotton products originating within a regulated area.* When contaminated with cotton or cotton products originating within a regulated area, railway cars, trucks, and other vehicles, cotton bagging and other containers of cotton, cotton processing machinery, farm household goods, farm equipment, farm products, and any other articles shall not be moved interstate from a regulated area until freed from such contamination to the satisfaction of an inspector, after which cleaning or treatment no certificate or permit will be required except for cotton bagging, or other containers of cotton, and cotton processing machinery.

§ 301.52-8 *Dealer-carrier permits.* As a condition of issuance of certificates or limited permits for the interstate movement of restricted articles, those engaged in purchasing, assembling, ginning, processing, or carrying such restricted articles originating or stored in regulated areas, shall (a) make application for a dealer-carrier permit to the Bureau of Entomology and Plant Quarantine, Federal Building, San Antonio 6, Tex., and (b) agree to maintain an accurate record of receipts and sales, shipments or services, when so required (which record shall be available at all times for examination by an inspector) and (c) agree to carry out any and all conditions, treatments, precautions, and sanitary measures which may be required by the inspector.

§ 301.52-9 *Cancellation of certificates.* Any certificates, limited permits, or dealer-carrier permits issued under these regulations may be withdrawn or canceled and further certificates or permits refused, whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of the pink bollworm.

§ 301.52-10 *Authorization of alternate treatments.* When in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine more effective methods of treatment, processing, or sterilization shall have been developed or when methods of treatment, processing, or sterilization as stipulated in the regulations hereof are found unsatisfactory by him, he is authorized to alter them or substitute other requirements.

§ 301.52-11 *General certification provisions and marking and labeling requirements.* To obtain certificates or limited permits under these regulations application shall be made either to the local inspector or to the Bureau of Entomology and Plant Quarantine, Federal Building, San Antonio 6, Tex.²

Certificates or permits required under these regulations shall be securely attached to the outside of each container of restricted articles, or, in the case of carlot or bulk shipments by freight, to the waybills or other shipping papers which accompany the shipment. In the case of movement by road vehicle, such certificate or permit shall accompany the vehicle. Each container of restricted articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

The United States Department of Agriculture shall not be responsible for any costs incident to inspection or treatment, other than the services of inspectors.

§ 301.52-12 *Shipments for experimental and scientific purposes.* Products and articles subject to restrictions in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely at-

² See Appendix for list of field stations.

tached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

This revision of the quarantine and regulations shall be effective on and after August 22, 1947, and shall supersede the quarantine and regulations promulgated November 9, 1944, as amended May 23, 1945, and February 4, 1946.

[7 CFR 1944 Supp. 301.52, 301.52-1 et seq., 7 CFR 1945 and 1946 Supps. 301.52-2]

Done at Washington, D. C., this 22d day of August 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

APPENDIX—FIELD HEADQUARTERS AND STATIONS

Applications for certificates or permits may be made to the field project leader, addressing Pink Bollworm Control, Bureau of Entomology and Plant Quarantine, P. O. Box 798, or Room 571, Federal Building (Telephone F-7141-275), San Antonio 6, Texas, or the nearest inspector.

Inspectors may be reached by addressing Pink Bollworm Inspector, Bureau of Entomology and Plant Quarantine, at the following field stations:

ARIZONA

Address	Town	Telephone
P. O. Box 205, 405 North Morrison St.	Casa Grande	274.
P. O. Box 262, 114 East Ave.	Glendale	254.
202 Security Bldg.	Phoenix	4-4062.
P. O. Box 246, 309 Post Office Bldg.	Safford	132.
P. O. Box 924, 311 Post Office Bldg.	Tucson	1-960.

NEW MEXICO

P. O. Box 784, 210 North Canyon St.	Carlsbad	513-W.
P. O. Box 849	Las Cruces	298.

TEXAS

P. O. Box 482, Bellen & Charles Bldg.	Alice	970.
Room 2, Bay City Bank & Trust Bldg.	Bay City	595.
General delivery	Boeville	
P. O. Box 269, 607 Petroleum Bldg.	Big Spring	1564.
P. O. Box 148	Brownfield	
843 Southeast Elizabeth St.	Brownsville	327.
306 United State Courthouse	Corpus Christi	2-7613.
P. O. Box 432, 207 West Harriman St.	Edinburg	18.
11 United States Courthouse	El Paso	Main 3295.
P. O. Box 27	Fabens	54.
P. O. Box 692, 432 Embee Bldg.	Harlingen	616.
P. O. Box 67, Post Office Bldg.	Lamesa	138-J.
P. O. Box 141, 206 Franklin Bldg.	Laredo	930.
P. O. Box 1015, 209 Federal Bldg.	Lubbock	5001.
P. O. Box 1094, 1303 Chicago Ave.	McAllen	663.
P. O. Box 485	Mercedes	
P. O. Box 188, 306 Federal Bldg.	Pecos	57.
P. O. Box 204	Port Lavaca	
P. O. Box 928	Presidio	14.
P. O. Box 709, 253 South 7th St.	Raymondville	255.
P. O. Box 141	Rio Grande City	
Room 3, State National Bank Bldg.	Robstown	127.
P. O. Box 650, 607 Rust Bldg.	San Angelo	6333.
P. O. Box 1903, 636 South Sam Houston St.	San Benito	730.
General delivery	Sinton	175.
P. O. Box 426, 107½ 4th St.	Weslaco	

[F.R. Doc. 47-8017; Filed, Aug. 27, 1947; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

State Bulletins (Subpart-1947) issued December 17, 1946 (11 F. R. 14339) and amendments issued March 19, 1947 (12 F. R. 1831) May 3, 1947 (12 F. R. 2977) and July 23, 1947 (12 F. R. 4879) are hereby further amended as follows:

1. Section 701.842 *Arkansas*, paragraph (j) is amended by adding at the end of the first sentence the language "except that where the practice was begun after May 23, 1947, without prior approval, the county committee may, in accordance with instructions issued by the State committee, give post approval of the practice, provided request for such approval is made to the county

committee not later than September 1, 1947."

2. In § 701.842 (j) (9) the payment rates are amended to read as follows:

Payment rates:

- (i) Hairy vetch, \$0.15 per pound.
- (ii) Hungarian vetch, \$0.08 per pound.
- (iii) Willamette vetch, \$0.06 per pound.
- (iv) Austrian Winter peas, \$0.05 per pound.
- (v) Crimson clover (clean), \$0.15 per pound.
- (vi) Bur-clover (in bur), \$0.09 per pound.
- (vii) Singletary or rough peas, \$0.07 per pound.

3. Section 701.844 *Colorado*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county Committee prior to September 2, 1947."

4. Section 701.845 *Connecticut*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

5. Section 701.845 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

6. Section 701.847 *Florida*, paragraph (j) is amended by adding at the end of the first sentence the language "except that where the practice was begun after May 23, 1947, but before August 10, 1947, without prior approval, the county committee may, in accordance with instructions issued by the State committee, give post approval of the practice, provided request for such approval is made to the county committee not later than September 2, 1947."

7. In § 701.847 (j) (6) the payment rates are amended to read as follows:

Payment rates:

- (i) Austrian Winter peas, \$0.05 per pound.
- (ii) Hairy vetch, \$0.11 per pound.
- (iii) Common vetch, \$0.06 per pound.
- (iv) Willamette vetch, \$0.06 per pound.
- (v) Lupine, \$0.045 per pound.
- (vi) Dixie crimson clover, \$0.25 per pound.

8. Section 701.848 *Georgia*, paragraph (j) is amended by adding at the end of the first sentence the language "except that where the practice was begun after May 23, 1947, without prior approval, the county committee may, in accordance with instructions issued by the State committee, give post approval of the practice, provided request for such approval is made to the county committee not later than September 1, 1947."

9. Section 701.849 *Idaho*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

10. Section 701.850 *Illinois*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

11. Section 701.851 *Indiana*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

12. Section 701.852 *Iowa*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

13. Section 701.853 *Kansas*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices

started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

14. Section 701.855 *Louisiana*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 5 may be given by the county committee, provided request for approval is made to the county committee not later than August 31, 1947."

15. Section 701.855 (i) (12) is amended by adding immediately preceding the *Payment rates* the following sentence: "Payment for white Dutch clover, alsike clover, hop clover, Persian clover, black medic, red clover, and clover mixtures will be made only when the seeding is completed prior to June 1, 1947."

16. Section 701.855 (i) is amended by adding the following subparagraph (23)

(23) *Seeding pasture clovers on or after June 1, 1947* Payment will be made for seeding legumes only on existing pasture grasses or with a seeding of one or more of the grasses listed under subparagraph (12) of this paragraph. The area must be covered with enough properly distributed plants to assure reseeding.

Payment rates:

- (i) White Dutch clover, \$0.45 per pound.
- (ii) Alsike clover, \$0.25 per pound.
- (iii) Hop clover, \$0.25 per pound.
- (iv) Persian clover, \$0.25 per pound.
- (v) Black medic, \$0.25 per pound.
- (vi) Red clover, \$0.25 per pound.
- (vii) Clover mixtures containing at least 85 percent Persian, white, alsike, black medic, and/or hop, but not less than 30 percent white, \$0.30 per pound.

17. Section 701.856 *Maine*, paragraph (a) is amended by deleting the language "July 1, 1947" and substituting therefor "August 30, 1947."

18. Section 701.856 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

19. Section 701.858 *Massachusetts*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

20. Section 701.858 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

21. Section 701.859 *Michigan*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

22. Section 701.860 *Minnesota*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date

of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

23. Section 701.861 *Mississippi*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 4 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

24. Section 701.862 *Missouri*, paragraph (j) is amended by deleting the language "June 1, 1947" and substituting therefor "August 1, 1947."

25. Section 701.863 *Montana*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 31 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

26. Section 701.864 *Nebraska*, paragraph (i) is amended by deleting the language "May 1, 1947" and substituting therefor "September 1, 1947."

27. Section 701.865 *Nevada*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

28. Section 701.866 *New Hampshire*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "September 15, 1947."

29. Section 701.866 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

30. Section 701.867 *New Jersey*, paragraph (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

31. Section 701.868 *New Mexico*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

32. Section 701.869 *New York*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

33. Section 701.869 (j) is amended by adding at the end of the first sentence the language "except that practices per-

formed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

34. In § 701.870 *North Carolina*, paragraph (j) (4) the payment rate, is amended to read as follows:

Payment rates:

- (i) Crimson clover, \$0.17 per pound.
- (ii) Hairy vetch, \$0.16 per pound.
- (iii) Austrian Winter peas, \$0.055 per pound.
- (iv) Annual ryegrass, \$0.07 per pound.

35. Section 701.871 *North Dakota*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

36. Section 701.872 *Ohio*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

37. Section 701.873 *Oklahoma*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 31 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

38. Section 701.873 (i) (9) the practice title is amended by adding the language "on or before August 9, 1947" immediately after the language "pasture legumes."

39. In § 701.873 (i) (25) the payment rates, are amended to read as follows:

Payment rates:

- (i) Hairy vetch, \$0.13 per pound.
- (ii) Austrian Winter peas, \$0.05 per pound.
- (iii) Bur-clover (hulled), \$0.40 per pound.
- (iv) Bur-clover (in bur), \$0.03 per pound.

40. Section 701.873 (i) is amended by adding the following subparagraph (34)

(34) *Establishing permanent pastures by seeding or overseeding adapted pasture legumes subsequent to August 9, 1947.* Payment will not be made for seeding a legume unless a pasture grass is already growing.

Payment rates:

- (i) White Dutch clover, \$0.50 per pound.
- (ii) Alsike clover, \$0.36 per pound.
- (iii) Hop clover, \$0.40 per pound.
- (iv) Persian clover, \$0.40 per pound.
- (v) Black medic, \$0.25 per pound.

41. Section 701.874 *Oregon*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is

made to the county committee prior to September 2, 1947."

42. Section 701.875 *Pennsylvania*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

43. Section 701.875 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947 and July 31, 1947, may be approved retroactively by the county committee."

44. Section 701.876 *Rhode Island*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

45. Section 701.876 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947 and July 31, 1947, may be approved retroactively by the county committee."

46. Section 701.877 *South Carolina*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 6 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

47. In § 701.877 (i) (3) the payment rates are amended to read as follows:

Payment rates:

- (i) Austrian Winter or Dixie Wonder peas, \$0.052 per pound.
- (ii) Hairy vetch, \$0.17 per pound.
- (iii) Hungarian vetch, \$0.096 per pound.
- (iv) Purple vetch, \$0.098 per pound.
- (v) Common vetch, \$0.067 per pound.
- (vi) Monantha vetch, \$0.067 per pound.
- (vii) Willamette vetch, \$0.067 per pound.
- (viii) Blue lupine, \$0.052 per pound.
- (ix) Crimson clover (clean), \$0.19 per pound.
- (x) Crimson clover (chaffy), \$0.09 per pound.
- (xi) Caley or Singletary peas, \$0.08 per pound.
- (xii) Bur-clover (clean), \$0.32 per pound.
- (xiii) Bur-clover (in bur), \$0.08 per pound.

48. Section 701.877 (i) (12) is amended by adding at the end of the practice title the language "on or before August 31, 1947."

49. Section 701.877 (i) is amended by adding the following subparagraph (21)

(21) *Establishing or reseeding permanent pastures on or after September 1, 1947* Double-disking or an equivalent operation is required for the preparation of seeded in new pastures. A good stand of the seeding must be obtained. Legumes must be seeded on or with one or more perennial grasses. One or more of the grasses and one or more of the legumes listed below must be seeded in new pastures.

Payment rates:

- (i) Dallis grass (imported), \$0.40 per pound.
- (ii) Dallis grass (domestic), \$0.24 per pound.
- (iii) Common lespedeza, \$0.14 per pound.
- (iv) Kobe lespedeza, \$0.12 per pound.
- (v) Korean lespedeza, \$0.08 per pound.
- (vi) White Dutch clover, \$0.56 per pound.
- (vii) Ladino clover, \$1.20 per pound.

50. Section 701.878 *South Dakota*, paragraph (j) is amended by deleting the

language "May 1, 1947" and substituting therefor "September 1, 1947."

51. Section 701.880 *Texas*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 6 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

52. Section 701.881 *Utah*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

53. Section 701.882 *Vermont*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

54. Section 701.882 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

55. Section 701.884 *Washington*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

56. Section 701.886 *Wisconsin*, paragraph (a) is amended by deleting the proviso and substituting therefor the following: "provided he does so within 30 days after acquiring an interest in the farm or by August 18, whichever is later."

57. Section 701.886 (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting therefor the following: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

58. Section 701.887 *Wyoming*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

(49 Stat. 1148, 16 U. S. C. 590g-590q; 1947 National Agricultural Conservation Program Bulletin, as amended (11 F. R. 9467, 11266, 12 F. R. 5384))

Approved: August 19, 1947.

[SEAL] THOS. L. AYERS,
Acting Director Agricultural
Conservation Programs Branch.

[F. R. Doc. 47-8041; Filed, Aug. 27, 1947;
8:45 a. m.]

TITLE 10—ARMY WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF WITHDRAWAL OF PUBLIC LANDS FOR WAR DEPARTMENT USE FOR AIRPORT PURPOSES

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 398 under Title 43, *infra*, revoking Public Land Order 116, which withdrew certain public lands for use of the War Department for airport purposes.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

SUBPART B—DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF DUTIES

Subpart B of Part 500, is amended to read as follows:

- Sec.
- 500.11 Citation of authority.
 - 500.12 Designation of Acting Commissioner.
 - 500.13 Specific delegations to named positions.
 - 500.14 Delegations to committees.

AUTHORITY: §§ 500.11 to 500.14, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C., Sup., 1002, 1011.

§ 500.11 *Citation of authority.* Section 1 of Title I of the National Housing Act provides in part as follows:

* * * In order to carry out the provisions of this title and titles II, III and VI, the Administrator may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Administrator may delegate any of the functions and powers conferred upon him under this title and titles II, III and VI to such officers, agents, and employees as he may designate or appoint * * *

Section 3 of Reorganization Plan No. 3 of 1947, effective July 27, 1947, provides in part as follows:

Federal Housing Administration. The Federal Housing Administration shall be headed by a Federal Housing Commissioner * * * There are transferred to said Commissioner the functions of the Federal Housing Administrator.

§ 500.12 *Designation of acting commissioner.* Pursuant to the authority cited in § 500.11, I hereby designate the officials of the Federal Housing Administration named in this section to act in my place and stead with the title of "Acting Commissioner" with all of the powers, duties and rights conferred upon me by the National Housing Act, as

Amended, Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive Order, in the event of my absence, illness or inability to act: *Provided*, That no official named below shall have authority to act as "Acting Commissioner" unless all those whose names appear before his are absent from their official post or unable to act:

(a) Walter L. Greene, First Assistant Commissioner.

(b) Burton C. Bovard, General Counsel.

(c) M. R. Massey, Assistant Commissioner, Field Operations.

(d) Curt C. Mack, Assistant Commissioner, Underwriting.

(e) Clyde L. Powell, Assistant Commissioner, Rental Housing and Property Management.

(f) R. Winton Elliott, Assistant Commissioner, Administrative Services.

(g) Arthur J. Frentz, Assistant Commissioner, Title I.

§ 500.13 *Specific delegations to named positions.* Pursuant to the authority cited in § 500.11, the following assignment of duties and delegations of functions and powers are hereby made:

(a) *First assistant commissioner.* To the position of First Assistant Commissioner:

(1) To assist the Commissioner in the general administration and coordination of all functions of the Administration.

(2) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

(3) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(4) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.¹

(b) *Assistant commissioner field operations.* To the position of Assistant Commissioner, Field Operations, and under his general supervision (except with respect to the authority contained in subparagraphs (9) and (10) of this paragraph) to the position of Assistant to such Assistant Commissioner:

(1) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions, or approved lenders.

(2) To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

(3) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(4) To consent to the release of mortgagors.

(5) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(6) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(7) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(8) To execute assignments, releases or satisfactions of mortgages taken by the Commissioner as security in connection with the sale of acquired properties.

(9) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(10) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(11) To direct the administration of Field Offices and to initiate and recommend to the Commissioner policies and procedures with respect thereto.

(12) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with Class 3 loans under the regulations issued pursuant to Title I, section 2, of the National Housing Act.

(13) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that require the prior approval of the Federal Housing Commissioner.

(14) To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(c) *Assistant commissioner, underwriting.* To the position of Assistant Commissioner, Underwriting, and in his absence or inability to act (except with respect to the authority contained in subparagraphs (3) and (4) of this paragraph) to the Assistant to such Assistant Commissioner:

(1) To be directly responsible to the Commissioner for all mortgage underwriting activities, including valuation of realty, land planning, architecture and credit analyses, analyses of locations, subdivisions and areas and construction cost determination.

(2) To plan, supervise, instruct in and review the work of the technical programs and procedures, including: the establishment of eligibility requirements as to property standards, minimum construction requirements and new methods of dwelling construction for projects insured by the Federal Housing Administration; cooperation with industry and governmental agencies in the development of engineering methods, materials,

mechanical equipment and architectural planning and design. Dissemination to the field offices and to the public of technical material on planning and construction; preparation of estimates and other studies on the use of materials.

(3) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(4) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(d) *Assistant Commissioner Rental Housing and Property Management.* To the position of Assistant Commissioner, Rental Housing and Property Management, and (except with respect to the authority contained in subparagraphs (8) and (9) of this paragraph) under his general supervision to the position of Assistant to such Assistant Commissioner:

(1) To issue commitments for insurance and to execute insurance contracts under sections 207 and 603.

(2) To approve the increase in amount, the extension of term, or any other modification of commitments for insurance or of insurance contracts under sections 207, 210, and 603.

(3) To approve or disapprove "change orders" during construction under sections 207 and 603.

(4) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions, or approved lenders.

(5) To consent to the release of mortgagors and to the release of portions of the mortgaged property from the lien of the mortgage, with respect to mortgages insured under sections 207, 210, and 603.

(6) To approve or disapprove for insurance advances of mortgage money during construction under sections 207 and 603 and to execute such instruments as may be necessary in connection therewith.

(7) To operate and manage all properties conveyed to the Federal Housing Commissioner, including authority with respect to such properties, to:

(i) Approve all offers to rent or purchase, except that offers to purchase properties acquired under sections 207 or 603, or offers to buy a group of 10 or more properties acquired under other sections of the act, shall be subject to the approval of the Commissioner and shall be accompanied by the recommendations of the Property Sales Committee,

(ii) Execute such contracts, leases, assignments and other instruments as may be necessary in the rental or sale of such properties,

(iii) Employ brokers or managers,

(iv) Make repairs, alterations, and improvements,

(v) Authorize expenditures.

¹ Not filed with the Division of the Federal Register.

(8) In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto, and deeds of release, assignments or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(9) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(10) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(11) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(12) To approve the sale, assignment, or modification in the terms of, and authorize the foreclosure of, mortgages assigned to the Federal Housing Commissioner in exchange for debentures, and the sale and terms of sale of all mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner, except that offers to purchase mortgages acquired under sections 207 or 608 shall be subject to the approval of the Commissioner and shall be accompanied by the recommendation of the Property Sales Committee.

(e) *Assistant commissioner administrative services.* To the position of Assistant Commissioner, Administrative Services, and in his absence or inability to act (except with respect to the authority contained in subparagraphs (12) and (13) of this paragraph) to the Assistant to such Assistant Commissioner:

(1) To have supervision and direction over the Personnel Division, the Washington Office Management Division, and the Budget Division.

(2) To maintain an administrative planning program, including the recommendation to the Commissioner of organizational changes within divisions and offices and the study of improvements in organization, space requirements, procedure and forms.

(3) With respect to personnel, to make appointments, promotions, transfers, demotions, separations, and classifications; to fix the administrative work week, to order or approve overtime work in excess of any that may be included in the regularly scheduled administrative work week, and to prescribe rules and regulations regarding overtime.

(4) To approve telephone contracts.

(5) To execute leases of property for FHA use.

(6) To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and the Independent Offices Appropriation Act, including authorization for travel by air and extra fare train in accordance with Circular No. 355, Exec-

utive Office of the President, dated April 16, 1940, and amendments thereto, and for travel incident to permanent change of station in accordance with the Treasury and Post Office Departments Appropriation Act; to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with paragraph 7 of the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at government expense in accordance with Executive Order 8588 and amendments thereto, and any other Executive Orders providing for the approval and authorization by the head of an Agency with respect to the transportation of household goods and personal effects at Government expense.

(7) To issue purchase orders, including printing and binding requisitions to the Government Printing Office. (See Sec. 3828, Rev. Stat.)

(8) To incur obligations and authorize expenditures for services and for the purchase of equipment, materials, and supplies other than in connection with acquired properties.

(9) To approve all agreements involving reimbursements, including agreements with others for the performance of any function by or on behalf of the Federal Housing Administration, after first obtaining the recommendation of any division affected.

(10) To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See Sec. 3828, Rev. Stat.)

(11) To execute contracts for services and for the purchase of equipment, materials, and supplies, including contracts for materials, equipment, supplies and services, for the maintenance and operation of acquired properties.

(12) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(13) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(14) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(f) *Assistant Commissioner Title I.* To the position of Assistant Commissioner, Title I, and in his absence or inability to act (except as specified in subparagraphs (4) and (5) of this paragraph) to the Assistant to such Assistant Commissioner with respect to the insurance of loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act.

(1) To approve or cancel the approval of financial institutions as approved

mortgagees, insured institutions or approved lenders.

(2) To issue and cancel Contracts of Insurance under Title I and to transfer such contracts and the rights and benefits accruing thereunder between lending institutions.

(3) To exercise the authority of the Commissioner under the regulations governing Title I loans in any instance which is subject to the approval of the Commissioner.

(4) To execute the power and authority vested in the Commissioner under the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury, except that the authority to execute the power and authority under section IV of such regulations may be exercised only by the Assistant Commissioner, Title I.

(5) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith. The authority in this subdivision may be exercised only by the Assistant Commissioner, Title I.

(6) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I, that require the prior approval of the Federal Housing Commissioner. To execute in my name such documents as are necessary to transfer title in and to any debt, contract, claim, property, or security. To execute in my name proofs of claim against bankrupt, insolvent, or decedent estates and to execute releases of obligations to the Federal Housing Administration, including but not limited to notes, judgments, and other evidences of indebtedness, and to release liens of any sort held as security for such obligations, in those cases where the obligor has paid the full amount due thereon to the Federal Housing Administration.

(g) *General Counsel.* To the position of General Counsel and in his absence or inability to act, to the Assistant General Counsel:

(1) On behalf of the Commissioner to receive and accept service of all summons, subpoenas, and other court process directed to the Commissioner.

(2) To sign, acknowledge and verify on behalf of and in the name of the Federal Housing Commissioner, all declarations, bills, pleas, answers, and all other pleadings in any court proceeding which are brought in the name of or against the Federal Housing Commissioner, or in which he is named as a party.

(3) To advise and consult with the Commissioner and with heads of the several divisions concerning the legal aspects of the policies of the Federal Housing Administration.

(4) To interpret the provisions of the National Housing Act and of the rules and regulations promulgated thereunder; revise the rules and regulations.

(5) To collaborate with the General Counsel of the Housing and Home Fi-

nance Agency in connection with legislation before Congress pertaining to the Federal Housing Administration program, recommending changes by way of amendments.

(6) To administer all matters pertaining to the preparation of legal forms necessary to the work of the Administration; the submission of cases to the Attorney General for legal action; investigation of fraud; or violations of the National Housing Act; and the determination of acceptability of Title.

(h) *Zone commissioners and directors.* To the position of Zone Commissioner and to each of them, and under their supervision to their respective Assistant Zone Commissioners, State Directors, District Directors, Territorial Directors, Assistant State Directors, Assistant District Directors, Assistant Territorial Directors, and Executive Assistants:

(1) To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

(2) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(3) To consent to the release of mortgagors.

(4) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(5) To approve or disapprove for insurance advances of mortgage money during construction, and to execute such instruments as may be necessary in connection therewith.

(6) To approve or disapprove "change orders" during construction.

(7) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with Class 3 loans under the regulations issued pursuant to Title I, section 2, of the National Housing Act (Part 502 of this chapter)

(8) In connection with Class 3 loans under the regulations issued pursuant to Title I, section 2, of the National Housing Act, to approve the sale by insured institutions of acquired property where the insured institution exercises its option to sell the property in the open market in lieu of a conveyance to the Commissioner.

(9) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that may require the prior approval of the Federal Housing Commissioner.

(10) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(11) To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(12) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738)

(13) In connection with the sale of Commissioner owned property, to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagors under a mortgage held by the Commissioner.

(14) To execute contracts for the sale of any properties conveyed to the Federal Housing Commissioner, except properties acquired under sections 207 or 603 or sales of ten or more properties as a group.

(i) *Comptroller.* To the positions of Comptroller, of Assistant Comptroller, and of Assistant to the Comptroller (in the order named)

(1) To requisition the advance of funds.

(2) To approve all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act.

(3) To endorse checks for deposit or collection.

(4) To certify financial statements.

(5) To certify the findings of the Compliance Committee in regard to the waiver of the regulations under the provisions of section 2 (c) of the National Housing Act, as amended.

(6) To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

(7) To devise accounting procedures and to administer the fiscal policies of the Administration.

(8) To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738)

(j) *Director of Research and Statistics.* To the position of Director of Research and Statistics:

(1) To advise the Commissioner on the economic aspects of mortgage insurance activities. Plan and administer the activities of the Research and Statistics Division. Consult with the representatives of other divisions and other agencies on problems of housing and economic research.

(2) To initiate, and to undertake on request of other officers, actuarial studies regarding insurance operations under Titles I, II, and VI, including, in collaboration with the Comptroller, studies of the distribution of expenses and income; and to prepare studies of the adequacy of premiums and reserves and such other matters as are required by the Commissioner for the formulation of sound actuarial policy.

(k) *Director of Personnel.* To the position of Director of Personnel, and in his absence or inability to act, to the Assistant Director of Personnel; acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the development and maintenance of a personnel program.

(2) To have charge of the appointment, promotion, demotion, separation, classification, and transfer of personnel; the development and maintenance of a performance rating system; training and employee relations program; and of other personnel functions.

(3) To serve as liaison representative between the Federal Housing Administration and the Civil Service Commission and other Government agencies with respect to personnel matters.

(4) To make recommendations to the Budget Officer with respect to estimates for personnel services.

(l) *Budget Officer.* To the position of Budget Officer, acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the preparation of budget estimates, personnel ceiling requests, and quarterly apportionments, together with the justifications therefor, and the fixing of budget allotments.

(2) To develop sound workload measures and unit costs and to analyze operations for the purpose of determining whether such workload and unit costs are justified, including the check of rate of expenditures against allocations in order to avoid over-expenditure.

(m) *Office Manager.* To the position of Office Manager, and in his absence or inability to act, to the Assistant Office Manager, acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the administration of the Washington Office Management Division.

(2) To incur obligations, authorize expenditures, and execute contracts for services and for the purchase of equipment, materials, and supplies other than in connection with acquired properties.

(3) To approve telephone contracts.

(4) To execute leases of property for Federal Housing Administration use.

(5) To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and the Independent Offices Appropriation Act, including authorization for travel by air and extra fare train in accordance with Circular No. 355, Executive Office of the President, dated April 16, 1940, and amendments thereto, and for travel incident to permanent change of station in accordance with the Treasury and Post Office Departments Appropriation Act; to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with paragraph 7 of the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at government expense in accordance with Executive Order 8583 and amendments thereto, and any other Executive orders providing for the approval and authorization by the head of an agency with respect to the transportation of household goods and personal effects at Government expense.

(6) To issue purchase orders, including printing and binding requisitions to the Government Printing Office.

(7) To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See sec. 3828, Rev. Stat.)

(8) To execute contracts for purchase of equipment and supplies, including contracts for materials, equipment, supplies and services for the maintenance and operation of acquired properties.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738)

§ 500.14 *Delegations to committees.* Pursuant to the authority cited in § 500.11, the following assignments of duties and delegations of functions and powers are hereby made:

(a) *Executive Board.* To a Committee to be known as the "Executive Board" consisting of the Commissioner as Chairman; the First Assistant Commissioner as Vice-Chairman; the Assistant Commissioner, Field Operations; the Assistant Commissioner, Rental Housing and Property Management; the Assistant Commissioner, Underwriting; the Assistant Commissioner, Title I, the Assistant Commissioner, Administrative Services; the General Counsel; the Comptroller; the Budget Officer; the Director of Personnel; the Director of Research and Statistics; and the Zone Commissioners:

(1) To consider and discuss matters of general policy and to advise the Commissioner with respect to matters affecting the activities of the various divisions of the Administration.

The Executive Board or any part thereof shall meet upon call by the Chairman or Vice-Chairman, who will designate and excuse from attendance any member having no direct interest in the matters to be discussed at the meeting.

In the absence of the Chairman the Vice-Chairman shall preside and in the absence of any member designated by the Chairman or Vice-Chairman as being interested in the matters to be discussed, the principal assistant of such absent member shall attend the meeting and serve in the place of such member.

(b) *Property Sales Committee.* To a Committee to be known as the "Property Sales Committee", consisting of the assistant Commissioner, Rental Housing and Property Management, Chairman; Assistant Commissioner, Field Operations; Assistant Commissioner, Underwriting; and Chief Counsel, Rental Housing:

(1) To consider and recommend to the Commissioner the approval or disapproval of any offer to purchase a property or mortgage acquired by the Commissioner under the provisions of sections 207 or 603, and any offer to purchase a group of ten (10) or more properties acquired by the Commissioner in connection with any other section of the act.

(c) *Property Management Expenditures Committee.* To a Committee to be known as the "Property Management Expenditures Committee" consisting of the following: Assistant Commissioner, Rental Housing and Property Manage-

ment, as Chairman; First Assistant Commissioner; Assistant Commissioner, Field Operations; General Counsel; Assistant Commissioner, Administrative Services; Comptroller; and the Zone Commissioners:

(1) To consider and determine whether or not an expenditure is "necessary to carry out the provisions" of Titles I, II, and VI, as such term is used in section 1 of the National Housing Act, whenever such a determination is, in the opinion of the General Counsel, necessary to support the legal authority of the Commissioner to make such expenditure. A quorum shall consist of five members, one of which shall be the Legal Division representative. Minutes of each meeting which include a determination by the Committee shall be forwarded to the Commissioner prior to action being concluded in connection with such determination. In the absence of any member, the principal Assistant of such absent member shall attend meetings and serve in place of such member. In absence of the Chairman, the members of the Committee shall choose a temporary Chairman.

(d) *Compliance Committee.* To a Committee to be known as the "Compliance Committee" consisting of the Assistant Commissioner, Title I; the Counsel for Title I; the Assistant Commissioner, Administrative Services; the Assistant Commissioner, Field Operations; and the Comptroller; any three of which shall constitute a quorum:

(1) To waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit, and purchases may be insured under section 2 and section 6 of Title I, if in the judgment of the Committee the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation of the Commissioner beyond the obligation which would have been involved if the regulations had been fully complied with. In the absence of any member the principal Assistant of such absent member shall attend meetings and serve in place of such member.

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner
Administrative Services.

AUGUST 21, 1947.

[F. R. Doc. 47-8012; Filed, Aug. 27, 1947;
8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 21—GENERAL CREDIT TO INDIANS

EDUCATIONAL LOANS; AMENDMENTS TO ARTICLES OF ASSOCIATION AND BYLAWS

Part 21 is amended by the addition of the following new sections.

§ 21.16 *Educational loans.* Loans for educational purposes may be made under the regulations in this part. Notwithstanding the provisions of § 21.7, the interest rate on such loans shall be one per cent per annum.

§ 21.17 *Amendments to articles of association and bylaws.* The Commissioner of Indian Affairs may approve amendments to articles of association and bylaws of credit and cooperative associations originally approved by the Secretary.

(Secs. 10, 11, 48 Stat. 986, secs. 1, 6, 49 Stat. 1250, 1967, 57 Stat. 459, 58 Stat. 472; 25 U. S. C. and Sup., 303, 470, 471, 473a, 501-509)

J. A. KRUG,
Secretary of the Interior

AUGUST 21, 1947.

[F. R. Doc. 47-8005; Filed, Aug. 27, 1947;
8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 349]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm.

Sched. B No.	Commodity
	Sawed timber, 5 inches or larger in least dimension:
407900	Hardwoods, not treated, Boards, planks, and scantlings, less than 5 inches in least dimension:
	Hardwoods:
411800	Birch, beech, and maple.
412100	Gum, red, and sap.
412500	Poplar.
413900	Other hardwoods (report ash in 411700; chestnut in 411900; hickory in 412300; magnolia in 412800; lignum vitae in 412900; teak in 413000; and wagon-oak planks in 413400).
643000	Rubber-covered wire, lamp cord only.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: August 20, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-8020; Filed, Aug. 27, 1947;
8:46 a. m.]

TITLE 34—NAVY**Chapter I—Department of the Navy****PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY****REVOCATION OF WITHDRAWAL OF PUBLIC LANDS FOR NAVY DEPARTMENT USE AS AERIAL GUNNERY RANGE**

CROSS REFERENCE: For order affecting the tabulation contained in § 9.6, see Public Land Order 397 under Title 43, *infra*, revoking Public Land Order 241, which withdrew certain public lands for the use of the Navy Department as an aerial gunnery range.

TITLE 36—PARKS AND FORESTS**Chapter I—National Park Service, Department of the Interior****PART 2—GENERAL RULES AND REGULATIONS****PART 20—SPECIAL RULES AND REGULATIONS****MISCELLANEOUS AMENDMENTS**

1. Section 2.27 *Prospecting and mining* is amended by adding the words "Organ Pipe Cactus," before the words "Death Valley" in the first sentence thereof.

2. Section 2.63 *Aircraft* is amended as follows: Paragraph (b) *Death Valley National Monument, California* is amended by striking out the words "Section 1," and inserting in lieu thereof the words "Section 15,"

3. Section 20.34 *Mount McKinley National Park, fishing; limit of catch and in possession* is revoked.

(39 Stat. 535, 55 Stat. 745; 16 U. S. C. and Sup., 3, 4502)

Issued this 15th day of August 1947.

[SEAL]

OSCAR L. CHAPMAN,

Under Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-8003; Filed, Aug. 27, 1947; 8:45 a. m.]

Chapter II—Forest Service, Department of Agriculture**PART 201—NATIONAL FORESTS****LINCOLN NATIONAL FOREST, N. MEX.**

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see F. R. Document 47-8011 under Department of the Interior in the Notices section, *infra*, revoking the withdrawals of certain lands for use as forest administrative sites within the Lincoln National Forest, New Mexico.

TITLE 43—PUBLIC LANDS: INTERIOR**Chapter I—Bureau of Land Management, Department of the Interior**

[Circ. 1653]

PART 192—OIL AND GAS LEASES**DATING OF COMPETITIVE AND NONCOMPETITIVE OIL AND GAS LEASES**

The following section is added to Part 192:

§ 192.40a *Dating of competitive and noncompetitive oil and gas leases.* All competitive and noncompetitive oil and gas leases will be dated as of the first of the month following the date the leases are signed on behalf of the lessor except that where prior written request is made a lease may be dated the first of the month within which it is so signed. (Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

FRED W. JOHNSON,
Director.

Approved: August 21, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-8003; Filed, Aug. 27, 1947; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 397]

WASHINGTON

REVOKING PUBLIC LAND ORDER NO. 241 OF AUGUST 1, 1944, WITHDRAWING PUBLIC LANDS FOR USE OF NAVY DEPARTMENT AS AN AERIAL GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 241 of August 1, 1944, withdrawing the public lands in the hereinafter described areas for the use of the Navy Department as an aerial gunnery range, is hereby revoked.

The jurisdiction over and use of such lands granted to the Navy Department by Public Land Order No. 241 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 21, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 21, 1947, to January 20, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 2, 1947, to October 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 21, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 20, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 31, 1947, to January 20, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 20, 1948 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 236 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 237, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Spokane, Washington.

The lands affected by this order are the public lands in the following described areas:

WILLAMETTE MERIDIAN

T. 4 N., R. 21 E.,

Secs. 1, 2, and 3;

Sec. 4, lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ -SE $\frac{1}{4}$.

Sec. 10, NW $\frac{1}{4}$, SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.

Secs. 11 to 14, inclusive;

Sec. 15, NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Secs. 23, 24, and 25;

Sec. 26, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$.

Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$.

Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$.

T. 5 N., R. 21 E.,

Secs. 1, 2, and 3;

Sec. 4, lots 1 and 2, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$.

Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$.

Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 7, E $\frac{1}{2}$ E $\frac{1}{2}$.

Secs. 8 to 16, inclusive;
 Sec. 17, $N\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}$,
 Sec. 20, $N\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$,
 Secs. 21 to 28, inclusive;
 Sec. 29, $NE\frac{1}{4}NE\frac{1}{4}$,
 Sec. 33, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ and $SE\frac{1}{4}$,
 Secs. 34, 35, and 36.
 T. 6 N., R. 21 E.,
 Sec. 25, $SE\frac{1}{4}SE\frac{1}{4}$,
 Sec. 34, $SE\frac{1}{4}SW\frac{1}{4}$ and $SE\frac{1}{4}$,
 Sec. 35, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ and $S\frac{1}{2}$,
 Sec. 36.
 T. 4 N., R. 22 E.,
 Secs. 1 to 21, inclusive;
 Sec. 22, $N\frac{1}{2}$, $SW\frac{1}{4}$ and $N\frac{1}{2}SE\frac{1}{4}$,
 Sec. 23, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ and $NW\frac{1}{4}$,
 Sec. 24, $NW\frac{1}{4}NW\frac{1}{4}$,
 Sec. 28, $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$,
 Sec. 29, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$,
 Sec. 30;
 Sec. 31, lot 1 and $NE\frac{1}{4}NW\frac{1}{4}$.
 T. 5 N., R. 22 E.,
 T. 6 N., R. 22 E.,
 Sec. 13, $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ and $SE\frac{1}{4}$;
 Sec. 14, $SE\frac{1}{4}SE\frac{1}{4}$,
 Sec. 21, $SE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ and $S\frac{1}{2}SE\frac{1}{4}$;
 Sec. 22, $S\frac{1}{2}NE\frac{1}{4}$ and $S\frac{1}{2}$,
 Secs. 23 to 28, inclusive;
 Sec. 29, $NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ and $S\frac{1}{2}$,
 Sec. 30, lot 4, $E\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}$,
 Secs. 31 to 36, inclusive.
 T. 4 N., R. 23 E.,
 Sec. 1, lots 1 to 4, inclusive, $SW\frac{1}{4}NE\frac{1}{4}$,
 $S\frac{1}{2}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$,
 Sec. 2, $N\frac{1}{2}$, $SW\frac{1}{4}$ and $N\frac{1}{2}SE\frac{1}{4}$,
 Secs. 3 to 8, inclusive;
 Sec. 9, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ and
 $NW\frac{1}{4}SE\frac{1}{4}$,
 Sec. 10, $N\frac{1}{2}NE\frac{1}{4}$ and $NW\frac{1}{4}$,
 Sec. 17, $N\frac{1}{2}NW\frac{1}{4}$,
 Sec. 18, lots 1, 2, and 3, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$
 and $NE\frac{1}{4}SW\frac{1}{4}$.
 T. 5 N., R. 23 E.,
 T. 6 N., R. 23 E.,
 Sec. 1, lots 1 and 2, $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$
 and $S\frac{1}{2}$,
 Sec. 2, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}$;
 Sec. 3, $SE\frac{1}{4}SE\frac{1}{4}$,
 Sec. 8, $SE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$,
 Sec. 9, $S\frac{1}{2}NE\frac{1}{4}$ and $S\frac{1}{2}$,
 Secs. 10 to 17, inclusive;
 Sec. 18, lots 2, 3, and 4, $NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$,
 $E\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}$,
 Secs. 19 to 36, inclusive.
 T. 5 N., R. 24 E.,
 Secs. 1 to 23, inclusive;
 Sec. 24, $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ and
 $SW\frac{1}{4}SE\frac{1}{4}$,
 Sec. 25, $NW\frac{1}{4}NW\frac{1}{4}$,
 Sec. 26, $N\frac{1}{2}NE\frac{1}{4}$ and $NW\frac{1}{4}$,
 Sec. 27, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ and
 $N\frac{1}{2}SE\frac{1}{4}$,
 Secs. 28, 29, and 30;
 Sec. 31, $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ and
 $SW\frac{1}{4}SE\frac{1}{4}$,
 Sec. 32, $N\frac{1}{2}$ and $N\frac{1}{2}SW\frac{1}{4}$,
 Sec. 33, $NW\frac{1}{4}NE\frac{1}{4}$ and $N\frac{1}{2}NW\frac{1}{4}$.
 T. 6 N., R. 24 E.,
 T. 7 N., R. 24 E.,
 Sec. 24, $S\frac{1}{2}SE\frac{1}{4}$,
 Sec. 25;
 Sec. 26, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ and $S\frac{1}{2}$,
 Sec. 27, $S\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ and $S\frac{1}{2}SE\frac{1}{4}$;
 Sec. 31, $S\frac{1}{2}SE\frac{1}{4}$;
 Sec. 32, $SE\frac{1}{4}NE\frac{1}{4}$ and $S\frac{1}{2}$,
 Sec. 33, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ and
 $S\frac{1}{2}$,
 Secs. 34, 35, and 36.
 T. 5 N., R. 25 E.,
 Secs. 1 to 11, inclusive;
 Sec. 12, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ and
 $NW\frac{1}{4}SE\frac{1}{4}$,
 Sec. 14, $N\frac{1}{2}NW\frac{1}{4}$,
 Sec. 15, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$ and
 $NW\frac{1}{4}SW\frac{1}{4}$,
 Sec. 19, lots 1, 2, and 3, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$
 Secs. 17 and 18;
 Sec. 19, lots 1, 2, and 3, $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$
 and $NE\frac{1}{4}SW\frac{1}{4}$,
 Sec. 20, $NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$ and
 $SW\frac{1}{4}NW\frac{1}{4}$.

T. 6 N., R. 25 E.,
 T. 7 N., R. 25 E.,
 Sec. 13;
 Sec. 14, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ and
 $S\frac{1}{2}$,
 Sec. 15, $S\frac{1}{2}NE\frac{1}{4}$ and $S\frac{1}{2}$,
 Sec. 16, $SE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ and $S\frac{1}{2}SE\frac{1}{4}$,
 Sec. 19, lot 4, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ and
 $SE\frac{1}{4}$,
 Sec. 20, $NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ and $S\frac{1}{2}$,
 Secs. 21 to 36, inclusive.
 T. 5 N., R. 26 E.,
 Secs. 1 to 6, inclusive;
 Sec. 7, lots 1 and 2, $N\frac{1}{2}NE\frac{1}{4}$ and $E\frac{1}{2}NW\frac{1}{4}$.
 T. 6 N., R. 26 E.,
 T. 7 N., R. 26 E.,
 Secs. 13 to 36, inclusive.
 T. 5 N., R. 27 E.,
 Secs. 5 and 6.
 T. 6 N., R. 27 E.,
 Secs. 5 to 8, secs. 17 to 20, and secs. 29 to
 32, inclusive.
 T. 7 N., R. 27 E.,
 Secs. 17 to 20 and secs. 29 to 32, inclusive.

The areas described, including both public and nonpublic lands, aggregate 270,345.02 acres.
 The lands are semi-arid in character, with a rolling to rough surface and a generally rocky soil.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

AUGUST 19, 1947.

[F. R. Doc. 47-8009; Filed, Aug. 27, 1947;
 8:45 a. m.]

[Public Land Order 398]

CALIFORNIA

REVOKING PUBLIC LAND ORDER NO. 116 OF APRIL 26, 1943 WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR AIRPORT PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 116 of April 26, 1943, withdrawing the following-described public land for the use of the War Department for airport purposes, is hereby revoked.

SAN BERNARDINO MERIDIAN

T. 8 N., R. 23 E.,
 Sec. 19, $N\frac{1}{2}NE\frac{1}{4}$.

The area described contains 80 acres.

This land is subject to the order of October 16, 1931, of the Secretary of the Interior withdrawing certain lands for reclamation purposes.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

AUGUST 19, 1947.

[F. R. Doc. 47-8008; Filed, Aug. 27, 1947;
 8:45 a. m.]

[Public Land Order 399]

UNITED STATES AND ALASKA

REVOCATION OF EXECUTIVE ORDER 1324 $\frac{1}{2}$, WITHDRAWING PUBLIC LANDS CONTAINING HOT OR MEDICINAL SPRINGS IN ALASKA AND AMENDING EXECUTIVE ORDER 5389 WITHDRAWING SUCH LANDS IN UNITED STATES

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U. S. C., Title 43, sec.

141) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 1324 $\frac{1}{2}$ of March 28, 1911, withdrawing certain public lands in the Territory of Alaska containing hot or medicinal springs, as amended by Executive Order No. 1883 of January 24, 1914, is hereby revoked; and Executive Order No. 5389 of July 7, 1930, withdrawing certain public lands containing hot or medicinal springs, exclusive of such lands in Alaska, is amended by deleting therefrom the words "exclusive of Alaska" so that the said order shall apply to lands containing hot or medicinal springs in both Alaska and the United States. Executive Order No. 5389, as herein amended, shall not apply to lands within National Forests.

This order shall not otherwise become effective to change the status of the surveyed or unsurveyed public lands in Alaska released from withdrawal by this order until 10:00 a. m. on October 22, 1947. At that time, subject to valid existing rights and the provisions of existing withdrawals, the unsurveyed lands shall become subject to settlement and other forms of appropriation in accordance with applicable laws and regulations, but the surveyed lands shall become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 22, 1947, to January 20, 1948, inclusive, the surveyed public lands in Alaska released from withdrawal by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 734, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 2, 1947 to October 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 22, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 21, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 1, 1948, to January 20, 1948, inclusive, and all such applica-

tions, together with those presented at 10:00 a. m. on January 21, 1943, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the proper district land office in Alaska shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Part 65 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the proper district land office in Alaska.

The lands released from withdrawal by this order and for which applications may be filed as stated above are described as follows:

All surveyed public lands in Alaska containing hot springs, or other springs the waters of which possess curative medicinal properties, to the extent of 160 acres surrounding each spring, in rectangular form with side and end lines equidistant, as near as may be, from such spring or group of springs, not including, however, any smallest legal subdivision of the public land surveys which contains a hot spring, or a spring the waters of which possess curative properties.

C. GIRARD DANIELSON,
Assistant Secretary of the Interior.

AUGUST 20, 1947.

[F. R. Doc. 47-8007; Filed, Aug. 27, 1947;
8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Supp. Administrative Order ODT 1-5D]

DELEGATION OF AUTHORITY TO TRANSPORTATION OFFICER, RAILWAY TRANSPORT DEPARTMENT

Pursuant to § 503.5, paragraph (b) of Administrative Order ODT 1, as amended (8 F. R. 6001; 9 F. R. 4615)

I, M. F. Pitcher, Transportation Officer, Railway Transport Department, Office of Defense Transportation, is hereby authorized to execute and issue in her discretion, subject to such terms and conditions as she may prescribe, and in the name of the Director of the Office of Defense Transportation, the special permits contemplated by § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386) and the

special permits contemplated by General Order ODT 1, Revised, as amended (11 F. R. 8228, 9040, 10616) or as such orders may be hereafter amended, revised, or reissued.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Railway Transport Department, Office of Defense Transportation.

This Supplementary Administrative Order ODT 1-5D shall become effective, on September 2, 1947.

Supplementary Administrative Order ODT 1-5C (11 F. R. 8491), is hereby revoked as of the effective date of this Supplementary Administrative Order ODT 1-5D.

Issued at Washington, D. C., this 25th day of August 1947.

A. H. GASS,
Director, Railway Transport
Department, Office of De-
fense Transportation.

[F. R. Doc. 47-8023; Filed, Aug. 27, 1947;
8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

NECEDAH NATIONAL WILDLIFE REFUGE, WIS- CONSIN; DEER HUNTING REGULATIONS

Section 26.678a (11 F. R. 8040) is revised to read as follows:

§ 26.678a *Necedah National Wildlife Refuge, Wisconsin; hunting of deer.* Deer may be taken during the open season prescribed by the State Conservation Department for the hunting of deer, on all of the lands of the Necedah National Wildlife Refuge, Wisconsin, except the following:

Closed Area: W½ and that part of the SE¼ west of the Farham Ditch in Sec. 4; all refuge land north and east of the Grand Dike Road in Sec. 5, 6, 7, and 8; all refuge land west of the refuge road known as the East Dike Road in Sec. 8; all in T. 18 N., R. 3 E.; S½ of Sec. 6; N¼ of Sec. 7; all west of the East Dike Road in the SW¼ Sec. 23; S½, NW¼, and that part of the NE¼ west of the road locally known as the Speedway, in Sec. 29; E½ and all of the W½ east of the Little Yellow River Drainage Ditch in Sec. 30; E½ and all of the W½ east of the north-south road locally known as the Carpenter Road in Sec. 31; all of Sec. 32; that part of the SW¼ west of the Farham Ditch and that part of the NW¼ west of the east dike of the Ryncarton Flowage in Sec. 33; all in T. 18 N., R. 3 E., Fourth Principal Meridian.

Entry on and use of the refuge for any purpose is covered by the regulations for the Administration of National Wildlife Refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting. In addition all hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses as may be required by such laws and regulations which said license shall serve as a Federal permit for hunting deer on the refuge.

State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 84, 35 Stat. 1104, as amended; 18 U. S. C. 145)

Dated: August 19, 1947.

CLARENCE COTTALL,
Acting Director.

[F. R. Doc. 47-8024; Filed, Aug. 27, 1947;
8:45 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 61]

[192-3632]

SKY HARBOR SEAPLANE BASE, DULUTH, MINN.

NOTICE OF PROPOSED DESIGNATION AS TEM- PORARY AIRPORT OF ENTRY FOR PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to designate the Sky Harbor Seaplane Base, Duluth, Minnesota, as a temporary airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further pro-

posed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, to show such designation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

August 22, 1947.

[F. R. Doc. 47-8023; Filed, Aug. 27, 1947;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 946]

HANDLING OF MILK IN LOUISVILLE, KY.,
MARKETING AREANOTICE OF RECOMMENDED DECISION AND OP-
PORTUNITY TO FILE WRITTEN EXCEPTIONS
THERETO WITH RESPECT TO A PROPOSED
ORDER, AS AMENDED, AND AS HEREBY FUR-
THER AMENDED, AND TO A PROPOSED MAR-
KETING AGREEMENT

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed order, as amended, and as hereby further amended, and to a proposed marketing agreement, regulating the handling of milk in the Louisville, Kentucky, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed order, as amended, and as hereby further amended, and the proposed marketing agreement have been formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Falls Cities Cooperative Milk Producers' Association. Additional proposals for consideration were submitted by the Louisville Milk Distributors Association, Rolling Green Dairy, and the Dairy Branch, Production and Marketing Administration. The public hearing was held at Louisville, Kentucky, on April 21 to 24, 1947, both dates inclusive, pursuant to a notice issued on March 31, 1947 (12 F. R. 2254, 2316).

The material issues presented on the record of the hearing were whether:

1. A definition of "Department of Agriculture" should be adopted;

2. The "Louisville, Kentucky, marketing area" should be revised to exclude therefrom Speed, Sellersburg, and Memphis in Clark County, Indiana;

3. The specification of the powers of the Market Administrator should be revised to provide for the making of rules and regulations to effectuate the terms and provisions of the order, and the recommendation of amendments thereof to the Secretary;

4. The specification of the duties of the Market Administrator should be re-

vised to provide for the preparation and the making available of general statistics and information concerning the operations of the order to producers, consumers, and handlers;

5. The appropriate provisions of the order should be revised to provide for the determination of class prices, and payments to producers, on the basis of milk containing 3.8 percent, instead of 4 percent, butterfat;

6. Flavored milk, flavored milk drinks, and buttermilk containing 1 percent, or less butterfat should be classified as Class II milk;

7. The amount of plant shrinkage of producer milk to be classified as Class III milk should be 3 percent, instead of 2 percent, of the receipts of milk from producers;

8. The method of computing plant shrinkage on producer milk which is utilized in conjunction with receipts of milk, skim milk, or cream from sources other than producers and other handlers should be changed to provide for the proration of the total shrinkage on the basis of producer milk available for use as Class III milk and ungraded receipts;

9. A limited quantity of producer milk used in the manufacture of butter should be classified as Class IV milk;

10. Producer milk transferred or diverted from a fluid milk plant of a handler to his ungraded plant should be classified as Class III milk, except that, if milk, skim milk, or cream is disposed of as any product defined as Class I milk or Class II milk from such ungraded plant, such producer milk should be classified on the basis of its pro rata share of the disposition from the latter plant of all receipts by it, for the delivery period, of milk, skim milk, and cream;

11. The pounds of milk in each class should be determined on the basis of the pounds of butterfat disposed of in such class divided by the average butterfat test of producer milk for the entire market;

12. The receipts of emergency milk should be allocated to the respective classes in which used;

13. The Class I and Class II price differentials should be revised, "floor" prices for such classes should be established; and the basic formula price should be revised to provide for increases in the price levels for such classes;

14. The basic price provisions should also be revised so as (a) to increase the operating allowance in the butter-nonfat dry milk solids formula, when prices of such milk solids delivered at Chicago are used in lieu of such prices f. o. b. manufacturing plants, from 6½ cents to 7½ cents per pound, and (b) to correct the names of certain of the local manufacturing companies listed in the price computation formula for Class III milk;

15. The pricing provisions of the order should be revised to provide for the determination of Class I and Class II prices on the average of the basic formula prices for the current and the preceding delivery periods;

16. The price provided for Class I milk disposed of to relief clients should be revised;

17. A special price should be fixed for Class I milk disposed of by handlers to markets outside the marketing area;

18. The emergency price provision should be deleted;

19. Milk received at the plant of a handler, the handling of which is determined by the Secretary to be subject to the pricing and payment provisions of another Federal milk marketing agreement or order, should not be subject to the pricing and payment provisions of Order No. 46, as amended;

20. The method of making even-production incentive payments should be revised so that such payments will be made directly to producers by the handlers;

21. The market administrator should cease offsetting payments due to any handler by payments due from such handler;

22. The system of determining the butterfat differential applicable to payments to producers should be revised to cover greater fluctuations in the butter price;

23. The provisions relating to expenses of administration should be revised (a) to require the market administrator to make available to handlers detailed accounts of income and disbursements and to declare funds so collected to be impressed with a trust; (b) to have administrative assessment rates determined by the Secretary, rather than by the market administrator, subject to the approval of the Secretary; and (c) to extend the base for assessments for administrative expenses to cover receipts of milk, skim milk, and cream received from sources other than producers and other handlers; and

24. The method of accounting for milk should be revised to establish the so-called "skim milk-butterfat" basis of reporting and accounting for utilization in each class.

Findings and conclusions. The proposed findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) There should be included, in the list of definitions, a definition of the term "Department of Agriculture," and such term should be defined as "the United States Department of Agriculture, or any other Federal agency authorized to perform the price reporting functions, as referred to in this order, of the United States Department of Agriculture."

Various provisions of the existing order specify the use, for computation purposes, of certain prices "as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function)." The adoption of such definition will make it possible to simplify and shorten such references, but will make no change in the effect of the present provisions. The handlers, through their attorney, object on the grounds that the language will permit the use of prices reported by some other Federal agency even in case the Department of Agriculture continues to

report such prices, and that there is no specified limitation as to what shall be considered as a "Federal agency." It is believed that the proposed language clearly expresses the intent that the prices used shall be those reported by the Department of Agriculture so long as such reports are made by such Department, and that, in case the Department discontinues making any such report, the prices used shall be those reported by the particular Federal agency to which the Department's former function in the matter was transferred.

(2) The "Louisville, Kentucky, marketing area" definition should not be revised to exclude Speed, Sellersburg, and Memphis in Clark County, Indiana.

This proposal was made by one of the two handlers who are serving these places with fluid milk, and the proponent admitted that his sole objective was to have himself relieved of the necessity of filing reports with the market administrator, of paying administrative assessments on his milk, and of making any necessary settlement with the producer-settlement fund. The other handler would still be regulated under the order even though these places should be excluded from the marketing area, in that he operates in other portions of the marketing area. The result of any such exclusion would, therefore, be to give the proponent handler a competitive advantage over the other handler in the sale of milk in such places. In addition, the applicable health regulations in effect in such places are identical with the corresponding health regulations in other portions of Clark County, Indiana, and there has been no showing which would justify such a differentiation in treatment.

(3) There should be included, in the specification of the powers of the market administrator, provisions for the making by him of rules and regulations to effectuate the terms and provisions of the order, and for the recommending to the Secretary of amendments to the order.

With respect to the making of rules and regulations by the market administrator, it is specifically provided in section 8c (7) (C) (ii) of the Agricultural Marketing Agreement Act of 1937, as amended, that this is one of the four powers which may be granted the administrator of a marketing order, and the proposed language is substantially the same as the statutory language on the matter. The handlers, through their attorney, contend that such power should be allowed to remain in the "Secretary, who is presently empowered to make the rules," so that such rules may be issued "in accordance with law." Such a position ignores the statutory authorization, providing specifically for the granting of such power to a market administrator. Of course, any such rules or regulations as may be issued by the market administrator will need to be issued in accordance with all applicable legal requirements.

With respect to the proposing of order amendments by the market administrator, it is specifically provided in section 8c (7) (C) (iv) of the Agricultural Mar-

keting Agreement Act of 1937, as amended, that this is another one of the four powers which may be granted the administrator of a marketing order. By reason of the fact that a market administrator is concerned with the actual day to day administration of the order provisions, he is in an especially good position to observe any defects in their operation.

(4) There should be included, in the specification of the duties of the market administrator, provision for him to prepare and make available for the benefit of producers, consumers, and handlers, general statistical market information and general information concerning the operation of the order.

Information of the aforementioned types is necessarily collected by the market administrator in connection with the performance of his official duties, and it is believed that much of it will be valuable and helpful to the public. The performance of such function by the market administrator should not require the expenditure of any appreciable additional sum of money. To refuse to make such information available to interested parties would, in the circumstances, seem to be unwarranted, and the inclusion of the provision would merely make it clear that the market administrator has the authority to make such information available. The release of such data is believed to be incidental and necessary to the efficient operation of the order.

(5) The appropriate provisions of the order should be revised to provide for the determination of class prices and the payments to producers on the basis of milk containing 3.8 percent, instead of 4 percent, butterfat.

The average butterfat content of milk received from producers has decreased approximately 0.2 percent in the past 5 years. The average butterfat content of milk received from producers was below 4 percent during 5 months of 1946. The average butterfat content of the majority of fluid milk sales to consumers is 3.8 percent.

This change does not affect the handlers' cost of milk, inasmuch as the basic formula price has been reduced so as to reflect the prices on a 3.8 percent butterfat basis, rather than on a 4 percent butterfat basis. Therefore, the butterfat test upon which the producers' price is announced becomes a matter primarily of concern to producers. The evidence indicates that producers would prefer to receive payments based on an announced price reflecting a lower butterfat content. Producers' satisfaction with the method of announcing the uniform price tends to create more orderly marketing.

(6) Flavored milk, flavored milk drinks, and buttermilk containing one percent, or less, butterfat should not be classified as Class II milk.

The classification of these products was changed from Class II milk to Class I milk by an amendment to the order, effective June 1, 1942. In support of the proposal to change the classification of these products from Class I milk to Class II milk, it was claimed that (a) increased sales of these items had not kept pace with increased sales of whole milk, (b)

such items are not directly competitive with whole milk products, and (c) the characteristics of the population of Louisville, Kentucky, make such items an essential part of the milk business.

To be sold in Louisville, Kentucky, these drinks must be made from inspected milk. They are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these items are more nearly similar to those of fluid milk than of the items now covered under Class II milk.

It was not shown that sales were retarded due to the reclassification of these products, effective June 1, 1942, nor that the majority of such sales are made to certain segments of the population of the marketing area. Even if such showings had been made, such arguments are not in themselves adequate reasons for reclassification of such products. The reclassification of such products would not be in the public interest in that it would necessitate higher minimum prices for milk disposed of as Class I milk in order to insure a sufficient quantity of pure and wholesome milk for the market.

(7) The proposal to increase the amount of plant shrinkage of producer milk to be classified as Class III milk from 2 percent to 3 percent of the receipts of milk from producers should not be adopted.

In support of the proposed increase, it was pointed out that for the months of August and September, 1946, the average shrinkage in the market was in excess of 2 percent, in January, 1946, the market average shrinkage was 1.988 percent, and that during these three months there was as large a volume of milk in plants reporting shrinkage in excess of 2 percent as there was in plants reporting shrinkage less than 2 percent.

The plant shrinkage of butterfat, expressed as a percent of total butterfat pounds in milk received from producers, averaged 1.658 percent in 1946, 1.938 percent in January, 1946, 2.019 percent in August, 1946, 2.232 percent in September, 1946, and less than 1.68 percent for all other months of 1946. Shrinkage allowances determined on the basis of the plant experiences of the most inefficient handlers would not create greater equity between handlers in costs of milk. In the light of these shrinkage percentages and the inequities inherent in the proposed increase, such proposal should not be adopted.

(8) The method of computing plant shrinkage on producer milk which is utilized in conjunction with receipts of milk, skim milk, or cream from sources other than producers and other handlers should not be changed to provide for the proration of the total shrinkage on the basis of producer milk available for use as Class III milk and ungraded receipts.

The present order provisions specify two methods of allocating shrinkage on producer milk which is utilized with milk from other sources. If producer milk is utilized as milk, skim milk, or cream in conjunction with milk, skim milk, or cream from sources other than producers or other handlers, the shrinkage

allocated to the producer milk may not exceed its pro rata share computed on the basis of the proportions of the volumes received, from the various sources to their total. However, if producer milk is transferred as milk, skim milk, or cream under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no producer milk is disposed of as fluid milk in the marketing area, the shrinkage on the producer milk so transferred is computed on a pro rata basis with all milk and cream utilized in the latter plant and added to the shrinkage on producer milk in the handler's fluid milk plant.

The proposed change would not provide an equitable basis of computing shrinkage on producer milk, in that it would permit a handler without satisfactory transfer records to report unaccounted for milk utilized in his Class I milk or Class II milk operations as producer milk available for Class III milk, and thereby have a lesser quantity of shrinkage allocable to producer milk than a handler with satisfactory transfer records who would have shown the actual shrinkage on his Class I milk and Class II milk operations in addition to his pro rata share of shrinkage on producer milk which he transferred for manufacturing purposes.

(9) The proposal that a limited quantity of producer milk (not in excess of 10 percent of a particular handler's Class I milk sales during the delivery period involved) used in the manufacture of butter should be classified as Class IV milk during all months of each year in lieu of the present price credit given handlers on such limited quantity of producer milk so utilized during the months of April, May, and June, should not be adopted. Also, the proposal that provisions for the present price credit on such limited quantity of producer milk so utilized during the months of April, May, and June be deleted should not be adopted at this time.

In support of the proposed "butter class" for all months of the year, it was contended that (a) larger quantities of butter were made during months of 1946 other than May and June, and (b) producer returns would not be affected, since the class prices should be adjusted so as to reflect "proper" returns. For manufacturing operations in the market, producer milk is transferred to the ungraded plants, in which the various milk products, including butter, are made. Such transferred producer milk is commingled with the ungraded milk in such plants. It was not shown that the quantities of butter produced in 1946 were made wholly from producer milk. However, even if this were the case, such fact would not constitute an adequate reason for making the change. It is not desirable that producer milk be utilized in the manufacture of butter at times when emergency milk is being received. In this connection, substantial quantities of emergency milk have been received by the handlers during seven to nine months of the year for each of the past three years. It would not be in the public interest to increase Class I and Class II milk prices to compensate producers for the inclusion of a lower-priced

Class IV milk, in that such action would place an unnecessary, and an avoidable strain on the prices for such higher classes.

In support of the proposal to delete the provisions for the present price credit on the aforementioned limited quantity of producer milk utilized in the manufacture of butter during the months of April, May, and June, it was contended that (a) such provisions conflict with the objectives of the even-production incentive plan, and (b) the association is willing to assist in the disposition of any excess producer milk. The allowance of a lower price for the producer milk will be in accord with the objectives of the even-production incentive plan, in that it will tend to discourage, rather than encourage, production of producer milk in such period. It was not shown that there is any practicable way for disposing of such milk at a higher price through other outlets.

However, the provisions for the special price credit on such producer milk utilized in the manufacture of butter during the months of April, May, and June should be revised to conform with the adoption of the so-called "skim milk-butterfat" basis of reporting and accounting, as discussed under (24) hereof, in order to express such price credit in terms of butterfat, rather than in terms of milk.

(10) There should be adopted the proposal that producer milk transferred or diverted from a handler's fluid milk plant to his ungraded plant be classified as Class III milk, except that if milk, skim milk, or cream is disposed of as any product defined as Class I milk or Class II milk from such ungraded plant, such producer milk shall be classified on the basis of its pro rata share of the disposition from the latter plant of all receipts by it, for the delivery period, of milk, skim milk, and cream.

Transfers or diversions of the indicated nature occur, from time to time, in the market, and the existing order contains no provisions which cover the situation specifically. It is believed that the soundness of the proposal is evident. Milk so transferred or diverted to an ungraded or manufacturing plant which does not dispose of milk, skim milk, or cream in fluid form may reasonably be regarded as intended for manufacturing, or Class III use. However, from some ungraded plants, milk is disposed of in many different forms, including fluid milk and fluid cream to markets not requiring milk of approved Louisville quality. Classification problems are more complicated where producer milk is commingled with ungraded receipts. In the classification of milk, skim milk, and cream from producer milk which is commingled with ungraded receipts in a plant having such diversified uses it is necessary to allocate the use of such producer milk, since its specific utilization cannot be shown. The administering of the provisions on the basis of monthly delivery periods will be in accordance with the established custom in the market to treat all pool operations on a monthly basis. Considerable discussion was had

at the hearing as to what should be considered as satisfactory records to establish that any such claimed transfers or diversions were actually made. It is impracticable to set forth in a marketing order complete and exhaustive rules on the basis of which such a determination must be made by the market administrator. That is to say, such a determination must be made, in each case of any audit, in the light of the particular facts and circumstances.

(11) The proposal that the pounds of milk in each class be determined on the basis of the pounds of butterfat disposed of in such class divided by the average butterfat test of producer milk for the entire market should not be adopted.

Under the method of reporting and accounting prescribed by the existing order, while the amount of Class I milk of a handler is computed on a volume basis, the quantities of his Class II milk and Class III milk are computed on a milk equivalent basis, and a reconciliation adjustment figure is used to make the aggregate of the volumes computed for the handler correspond with the total quantity of milk, skim milk, and cream which he received and for which he has to account. It was originally contended by the proponents that the use of the average market butterfat test as the divisor would eliminate any need for reconciliation adjustment. However, they subsequently admitted at the hearing that such a result would not follow. Also, the adoption of the plan would not promote equity between handlers in regard to their cost for milk. In any event, the objectionable results flowing from the existing method of reporting and accounting should be largely eliminated by the adoption of the proposed skim milk and butterfat method of reporting and accounting, whereunder the skim milk and butterfat will be accounted for separately in the light of their respective actual utilizations.

(12) The proposal that receipts of emergency milk be allocated to the respective classes in which used should not be adopted.

Under the existing order provisions, the emergency milk received by a handler during a given delivery period is subtracted from his Class III milk after the subtraction from such class of milk, other than emergency milk, received from sources other than producers and other handlers and plant shrinkage which is allocable to such class. However, if the remaining Class III milk is not sufficient to cover the quantity of the emergency milk, the balance is subtracted pro rata from his Class I milk and Class II milk. The argument advanced in favor of the proposed change is that, despite the fact that the health ordinance for Louisville requires that the supply of inspected milk be exhausted for fluid purposes before any emergency milk is used for such purposes, it is necessary that handlers utilize some of their emergency milk for fluid (Class I milk and Class II milk) purposes, even though, for the same period, some inspected milk is used for manufacturing (Class III milk) purposes. They argue that, in these circum-

stances, the placing of the producer milk in the highest classes results in the paying of the premiums to the producers for not meeting their responsibilities for keeping the market supplied with adequate quantities of inspected milk. Such an argument ignores the fact that the effect of the proposal would be to lower the blend prices payable to producers for their milk in a market where the total production of producer milk is admittedly not adequate to meet the market needs, and that it would tend to reduce further the present inadequate supply of inspected milk. The allocation of milk so as to give preference for payment purposes to local producer milk is within the scope of the Agricultural Marketing Agreement Act of 1937, as amended.

(13) The Class I and Class II price differentials should not be revised, but floor prices for Class I milk and Class II milk should be established, and the basic formula price should be revised to provide for an increase in the levels of such prices.

Under the present pricing provisions of the order the prices for Class I milk and Class II milk are determined by adding \$1.05 per hundredweight and \$0.50 per hundredweight, respectively, to the basic formula price. The basic formula price is the higher of the Class III price, or the "paying" prices of 18 evaporated milk plants located in Wisconsin and Michigan less 15 cents. The Class III price is the higher of the "paying" prices of 7 local manufacturing plants, or a formula price based upon the open market prices of butter and nonfat dry milk solids, by roller process.

Several proposals were made with respect to the changing of the level of the prices for Class I milk and Class II milk. Proposals made by the handlers would decrease the existing differential for Class I milk by 15 cents per hundredweight and the existing differential for Class II milk by 10 cents per hundredweight and eliminate the use for price computation purposes of the prices paid by the listed 18 evaporated milk plants located in Wisconsin and Michigan. On the other hand, the producers submitted several proposals to increase such price levels, namely (a) to add 15 cents to each of the alternative basic formula computations, (b) to establish minimum floor prices of \$5.00 for Class I milk and \$4.45 for Class II milk during the fall and winter months of 1947-48, and (c) to substitute "spray" powder for "roller" powder in the butter-nonfat dry milk solids alternative formula.

General economic conditions and business activity in the Louisville area indicate a continued good demand for milk and milk products.

The uniform price per hundredweight for milk of 4.0 percent butterfat was \$5.87 for November 1946, and \$4.62 for March 1947—a decrease of \$1.25 per hundredweight. The prices of livestock and grains have advanced sharply in 1947 and compared to declining milk prices offer returns from alternative farm enterprises which will tend to discourage milk production if these price relationships continue over an extended period of time.

Louisville handlers compete with milk buyers in other areas for supplies to be used for fluid milk purposes. Several manufacturing plants also buy milk from farmers residing in or near the Louisville milkshed.

More rigid enforcement of the Louisville Health Department regulations are indicated in the immediate future.

Data bearing on the cost of feeds, labor, and supplies incurred by Louisville producers in the production of milk showed an upward trend in the cost of these items during 1946 and 1947. The price of some feeds decreased somewhat from the peak reached when price ceilings were removed in 1946 until February 1947. During February and March of 1947 the price of dairy feeds again advanced. Farmers producing milk for fluid purposes must use feed, labor, and supplies more extensively to maintain production at a more uniform level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in these items affect the fluid milk producers more than producers of milk for condenseries.

Handlers contend that the general level of prices should not be increased in view of the fact that there has been a steady and constant increase in the number of producers and a substantial increase in the production per farm per day. In March 1947, the number of producers was 1,688, as compared with a range in number of producers from 1,612 to 1,706 during 1944, 1,639 to 1,671 in 1945, and 1,607 to 1,700 in 1946. The average daily deliveries per producer was 270 pounds in 1944, 294 pounds in 1945, 307 pounds in 1946, and 309 pounds in March 1947.

The level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Louisville market. It has been necessary for handlers to supplement their supplies of producer milk in Class I and Class II with substantial quantities from emergency sources. During eight months of 1946, over 7 million pounds of emergency milk was imported by handlers in the marketing area.

It is concluded that the weighing of the abovementioned price-making factors indicates the present need for revising the levels of prices for Class I milk and Class II milk upward by not less than 10 cents per hundredweight. This result would be accomplished by (a) increasing, by 15 cents, the alternative price computation formula based on the listed 18 national condenseries in Michigan and Wisconsin, (b) increasing, by 15 cents, the alternative price computation formula based on the 7 local milk manufacturing plants, and (c) providing that the skim milk value in the butter-nonfat dry milk solids formula shall be based on the price for spray, rather than roller, nonfat dry milk solids. While the above will result in price level changes in excess of 10 cents per hundredweight, it is anticipated that the change to the so-called "skim milk-butterfat" method of reporting and accounting, in conjunction with the aforementioned changes, will result in increases of about 10 cents per hun-

dredweight in the levels of prices for Class I milk and Class II milk.

It is concluded that the milk producers of the Louisville area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is presently afforded by the basic formula price. In order to obviate uncertainties inherent in the basic formula price during abnormal postwar marketing conditions a minimum price for Class I milk and Class II milk is established below which such prices would not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing during April, May, and June to emphasize the seasonal factor of milk pricing and assure producers of higher prices during the seasons when an increase in milk production is most needed by the market. Floor prices beginning from the effective date of the proposed marketing agreement and order, as amended, to and including December 1947, of \$5.00 for Class I milk and \$4.45 for Class II milk, and decreasing 44 cents (approximately 1 cent per quart) for January and February, 1948, will recognize this seasonality and result in prices well above the current level of April, May, and June prices.

The above changes will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply of and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The proposal to eliminate the 18 evaporated milk plants in the basic formula price used in determining Class I and Class II prices should not be adopted. In support of the proposal to discontinue the use of such plants in arriving at the Class I and Class II prices, it was contended that the quality of milk purchased by such plants has improved to a point where such plants have developed market outlets of higher-valued use, which, in turn, has been reflected in higher prices paid to their farmers. Such argument is appropriate only in reference to the establishment of the proper price differentials to be paid to producers of the Louisville market over the prices paid to farmers selling milk to such plants.

(14) (a) The proposal to revise the basic price provisions so as to increase the operating allowance in the butter-nonfat dry milk solids formula, when prices of such milk solids delivered at Chicago are used in lieu of such prices f. o. b. manufacturing plants, from 6½ to 7½ cents per pound should not be adopted.

The present provisions of the order provide that, in the event prices of nonfat dry milk solids f. o. b. manufacturing plants are not published by the Department of Agriculture, the price for such milk solids delivered at Chicago shall be used in lieu thereof, in which the allowance for operating is 6½ cents. The relative quoted prices for nonfat dry milk solids delivered f. o. b. manufacturing

plants and those delivered at Chicago, respectively, as set forth in the general statistical information for the market, demonstrate that the present spread between the 5½ cent operating allowance f. o. b. manufacturing plants and the 6½ cent operating allowance delivered at Chicago is adequate.

(b) The proposal to revise the basic price provisions so as to correct the reference the "Kraft Cheese Company" to the "Kraft Foods Company" in the 7 local manufacturing companies should be adopted to reflect the change in the name of such company.

(15) The pricing provisions of the order should not be revised to provide for the determination of Class I and Class II prices based upon the average of the basic formula prices for the current and preceding delivery periods.

Under the present order, class prices are not known until approximately the 10th day after the end of the delivery period during which the milk is received. The proposed change was suggested for the purpose of reducing somewhat the monthly variations in Class I milk and Class II milk prices and to enable handlers to estimate more nearly in advance the level of such prices which they would be required to pay in a current delivery period. Handlers complain that they are placed at a disadvantage by not knowing the exact Class I and Class II milk prices they will have to pay for milk received from producers until after that milk has been disposed of by them. Handlers are now in a position to estimate, within a reasonable range during a delivery period, the prices which will result from the prescribed computation formulas. It is believed that any such disadvantage is more than outweighed by the fact that the change will disrupt the seasonal pattern of prices to producers.

(16) The proposal to revise the price for Class I milk disposed of to relief clients on the basis of the Class I price minus 55 cents should not be adopted. No evidence on this proposal was introduced at the hearing.

(17) The proposal that a special price be fixed for Class I milk disposed of by handlers to markets outside the marketing area should not be adopted.

It was proposed that the price of Class I milk disposed of in any market outside the marketing area should be the "price, as ascertained by the market administrator, which is being paid for milk of an equivalent use in the market where such milk is disposed of" less a transportation allowance of 1½ cents per hundred-weight for each 15 miles or fraction thereof that such milk is transported for sale. *Provided*, That such resulting price shall not be lower than the Louisville Class I price minus 40 cents.

Milk approved for Louisville distribution is sold in several markets outside the marketing area. Some of this milk is sold under resale price levels lower than those in the marketing area. The markets in which such milk is distributed have health standards less stringent than those applicable to the City of Louisville. The demand for graded milk in communities outside the marketing area has grown.

The price effective under the Louisville order should be such as to induce a supply adequate to meet the demand of the Louisville marketing area. It is necessary for Louisville handlers to import substantial quantities of emergency milk to meet present demands. The fixing of lower prices for milk sold in other markets could have a depressing effect on the prices paid farmers by competing unregulated distributors in such markets, which lower prices, in turn, might further depress the "ascertained prices" proposed to be used under the Louisville order.

Moreover, prices paid by individual distributors within a single outside market often vary greatly and the standards and methods by which the market administrator would ascertain the price being paid in the outside market for milk of equivalent use was not outlined. From the administrative viewpoint, it is considered undesirable to burden the market administrator with the responsibility of determining outside market price levels in such circumstances. Furthermore, it was admitted that handlers now paying the Louisville prices have been able to meet competition in outside markets and that such sales have increased.

(18) The proposal that the emergency price provisions be deleted should be adopted.

These provisions were incorporated in the order to cover certain wartime emergency conditions which no longer exist.

(19) The proposal to exempt milk, the handling of which is determined by the Secretary to be subject to the pricing and payment provisions of another Federal milk marketing agreement or order, from the pricing and payment provisions, of this order, should not be adopted.

Testimony adduced at the hearing indicates little likelihood that this proposed revision would be applicable to any situation which might occur in the Louisville market. It is felt that the present definitions of producer, handler, and emergency milk are reasonably sufficient to cover such situations.

(20) The proposal to revise the even-production incentive payment provisions so as to have such payments made directly by the handlers should not be adopted.

Under the existing order provisions, the specified deductions during the flush production months of April, May, and June are paid by the handlers to the market administrator, who, in turn, pays out the money to producers by separate checks, either directly or through their cooperative association, during the following September, October, and November. An educational program is essential to the effective operation of an even-production incentive plan, and one of the most effective means of apprising producers of the benefits which accrue to them is to pay the extra money to them separately. The proposal would result in the merging of such extra payments with regular milk payments. The record does not contain substantial proof as to the desirability or necessity for the operation in detail of the proposed amendment. The money in question is producer money and involves no

extra cost to handlers. The association, representing more than two-thirds of the producers in the market, takes the position that the producers generally desire that the present method of payment be continued.

The record does not warrant changing or modifying the even-production incentive plan, which is a pooling arrangement, under the act, and is ancillary to the price provision and is reasonably adapted to allow regulation of the market upon terms which minimize the results of the restrictions.

(21) The payment provisions of the order should not be revised to preclude the market administrator from offsetting payments due any handler from the producer-settlement fund by payments due by such handler to such fund.

The present practice is in accordance with the general legal principle of offsetting a debt owed by one party against a debt owed by the other party when making final settlement. In case of a dispute as to the amount due, the present practice leaves the particular handler free to seek relief through the channels provided by the Agricultural Marketing Agreement Act of 1937, as amended, namely, through administrative proceedings pursuant to section 8c (15) (A) of that act and through appropriate court review of the decisions resulting therefrom. The adoption of the proposal, on the other hand, would require the prosecution of individual suits, entailing considerable aggregate expense, for the collection of such debts. Further, the adoption of such proposal would require the market administrator to make payments to a handler even in a case where it had been determined that such handler owed the producer-settlement fund in connection with the filing of fraudulent reports, and in the case of a handler who owes money to the producer-settlement fund, but who is financially unable to make full payment of all of his debts. From an administrative standpoint, it is impossible to make "billings" based upon audits of a current delivery period prior to the date that the market administrator is required to make payments to handlers out of the producer-settlement fund, since the market administrator is required to pay out any funds owed before all reports are required to be filed.

(22) The system of determining the butterfat differential applicable to payments to producers should be revised to cover greater fluctuations in the butter price.

Under the present order, the producer butterfat differential is determined by means of stated differentials varying one-half cent for each butter price range (bracket system). The butter price brackets range from "22.499 cents or less" per pound to "62.50 cents and over" per pound. It was proposed that such brackets be extended to provide brackets from "17.499 cents or less" per pound to "92.50 cents and over" per pound. The differentials applicable to the various butter price brackets closely approach the value of "butter plus 20 percent." A butterfat differential stated in terms of "butter plus 20 percent" is more practical and will eliminate the possibility of future revisions to extend the brackets.

(23) (a) The proposal that the provisions relating to expenses of administration be revised to require the market administrator to make available to handlers detailed accounts of income and disbursements, and to declare that funds so collected are impressed with a trust should not be adopted.

In support of such proposal, the handlers argued that, since they pay the money, they should be furnished with an accounting with respect to it. It was developed at the hearing that a report of such income and expenses had been furnished the handlers for 1946 and that it is intended to continue such practice for various markets, including the Louisville market, in the future. Such report contains as complete information as is believed to be practicable without disclosing confidential information and to retain uniformity with the reports which are being made in other Federal markets. In these circumstances, it seems that the inclusion in the order of specific provisions on the matter would serve no useful purpose.

(b) The proposal that the provisions relating to expenses of administration be revised to have administrative assessment rates determined by the Secretary, rather than by the market administrator subject to the Secretary's approval, should be adopted.

The procedure for fixing or making changes in administrative assessment rates will be made less complicated if it is made a direct, rather than a review, function of the Secretary.

(c) The base for assessments to cover administrative expenses should be broadened to include receipts of emergency milk.

The existing order provisions provide that the assessments apply only against the receipts of milk from producers (including receipts of milk from handlers' own farms). It was proposed that such base be broadened to cover receipts from all sources (producer milk, emergency milk, and other source milk). However, while other source milk is received by many handlers, the Louisville Health Department does not permit such milk to be received in approved plants and commingled with producer milk and emergency milk. On the other hand, the market administrator has to audit the disposition of emergency milk received at the approved plants the same as he does producer milk received at such plants, and such emergency milk should bear its pro rata share of the administrative costs. Substantial quantities of emergency milk have been received for the past three years for use in the various classes, and the change will apportion the expenses of administration more equitably. The rate would be applied to the broadened base the same as at present, namely, at the specified rate per hundredweight, regardless of butterfat content.

(24) The proposal to amend the present method of accounting for milk by substituting therefor appropriate language to establish a method of reporting, accounting, and pricing skim milk and butterfat, respectively, should be adopted.

Under the present provisions of the order, the pounds of Class I milk are computed on a volume basis, while the pounds of Class II milk and Class III milk are computed on the basis of 4 percent milk equivalent of the butterfat content in the various Class II and Class III milk products. The total volumes computed in this manner are then adjusted to equal actual receipts by increasing or decreasing, as the case may be, the pounds of Class III milk by an amount equal to such difference. Following such reconciliation adjustment of the total utilization as computed for the various classes to actual receipts, the receipts of milk from producers are allocated to the pounds of milk remaining in each class. Class prices quoted in terms of milk of 4 percent butterfat content are then applied to the pounds of producer milk so allocated.

In support of the proposal, handlers stated that it was not their intention that the resulting blend price should be lowered by its adoption, but that a method of reporting, classifying, and pricing skim milk and butterfat, respectively, should be substituted for the present system in order to eliminate the necessity of a reconciliation adjustment, and to make it possible for handlers to compute the costs of individual products in the various classes. It was recognized that the language of the various provisions of the order should be revised to conform with this principle.

The change will simplify order operations and will tend to create greater equity between handlers, in that the necessity for using a volume reconciliation adjustment figure will be obviated by adjusting class prices in accordance with the percentage of butterfat disposed of in the products in each respective class, and by allocating the receipts of skim milk and butterfat, separately, rather than by applying the allocation provisions on the basis of the receipts in the aggregate of milk, skim milk, and cream. Furthermore, the change will enable handlers to compute more accurately the costs to them of the individual products in the several classes. These advantages are weighted in favor of the adoption of the plan in the Louisville market because of relatively high test milk received from producers which aggravate problems of reconciliation.

The specific proposals in this connection which were presented at the hearing provided for computing basic prices for skim milk and butterfat, separately, and adding fixed differentials for Class I skim milk and Class II skim milk and fluctuating differentials for Class I butterfat and Class II butterfat based on the value of 92-score butter at Chicago for such delivery period. Such a method would result in fluctuations in the prices payable to producers for their milk other than those which would accrue from the prescribed formula methods of price computations and would be in conflict with the expressed intent of the proponents that the change not affect such prices. Therefore, the change should be affected on a basis which will maintain the specified differentials over the basic price for Class I milk and Class II milk.

The proposal to compute the volumes of the various classes of milk by determining the volumes of skim milk and butterfat disposed of in each such class, rather than the present method of computing Class II milk and Class III milk on a milk equivalent basis and reconciling such volumes to actual receipts, necessitates the adjusting of class prices to reflect the value of butterfat above or below the test of milk for which prices are quoted. It is believed that such differential for Class III milk should be on the basis of the value of 92-score butter at Chicago plus 20 percent. This differential is in line with the general level of manufacturing values. With respect to Class II milk, it is believed that such differential should be on the basis of the value of 92-score butter at Chicago, plus 25 percent. Such differential is in line with the price which would have to be paid for any outside cream which might be brought into the market for fluid uses. With regard to Class I milk, it is believed that such differential should be on the basis of the value of 92-score butter at Chicago plus 30 percent. Such differential recognizes the increase in value over Class II butterfat resulting from the higher-valued use.

Various other provisions of the order should be revised to conform with this change. In this connection, a definition of "other source milk," excepting non-fluid milk products which are received and disposed of in the same form, will simplify the operation of the order by eliminating the necessity of reporting and classifying such milk products.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the producer associations and various handlers subject to Order No. 46, as amended. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that findings and conclusions were proposed in the briefs which are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and order as amended, and as hereby amended. The following order, as amended, and as hereby amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

§ 946.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture of the United States or

such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville and Fort Knox Military Reservation; and the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces, under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, milk which is:

(1) Received at a plant from which milk or cream is disposed of in the marketing area for human consumption as fluid milk or fluid cream;

(2) Received at a plant approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant described under subparagraph (1) of this paragraph; or

(3) Diverted from any plant described under either subparagraph (1) or subparagraph (2) of this paragraph to any other milk distributing or milk manufacturing plant, including any plant described under subparagraphs (1) or (2) of this paragraph: *Provided*, That any such milk so diverted shall be deemed to have been received at the plant from which it was diverted.

(f) "Handler" means:

(1) Any person who receives milk, produced under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, at a plant described in paragraphs (e) (1) or (e) (2) of this section; and

(2) Any association of producers with respect to milk diverted from a plant described under paragraphs (e) (1) or (e) (2) of this section to any milk distributing or milk manufacturing plant not operated by a handler, for the account of such association.

(g) "Market administrator" means the person designated pursuant to § 946.2 as the agency for the administration hereof.

(h) "Delivery period" means any calendar month.

(i) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a permit for the receipt thereof issued to him by the proper health authorities.

(j) "Other source milk" means all skim milk and butterfat in any form received from a source other than producers or other handlers, except emergency milk and any nonfluid milk product which is received and disposed of in the same form.

(k) "Department of Agriculture" means the United States Department of Agriculture, or any other Federal agency

authorized to perform the price reporting functions, as referred to in this order, of the United States Department of Agriculture.

§ 946.2 *Market administrator—(a) Selection, removal, and salary.* The agency for the administration hereof shall be a market administrator who shall be a person selected, and subject to removal, by the Secretary. Such person shall be entitled to such compensation as may be determined by the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the Secretary;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 946.5 or (ii) made payments pursuant to § 946.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Pay, out of the funds provided by § 946.10, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties, except those expenses incurred under § 946.9;

(7) Promptly verify the information contained in the reports submitted by handlers; and

(8) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation hereof.

§ 946.3 *Classification of milk—(a) Basis of classification.* All skim milk and butterfat received by a handler in (1) milk from producers, (2) milk, skim milk, and cream from other handlers, (3) emergency milk, and (4) other source milk; at a plant, described under subparagraphs (1) or (2) of § 946.1 (e) and

skim milk and butterfat contained in milk handled pursuant to paragraphs (e) (3) and (f) (2) of § 946.1, shall be classified in the classes set forth in paragraph (b) of this section. In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who is the first receiver to account for all skim milk and butterfat contained in milk, skim milk, and cream received and to prove that such skim milk and butterfat has been utilized in a class other than that in which the market administrator determines that such skim milk and butterfat should be classified.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) (d) (e) and (f) of this section the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of in fluid form as milk, buttermilk, and milk drinks, whether plain or flavored, and (ii) not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as fluid cream (including sour cream) and any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream.

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in Class I milk and Class II milk, (ii) as actual plant shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat in emergency milk and other source milk: *Provided*, That if milk is diverted by a handler to a plant of another handler without first having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage and shall be excluded from the receipts of skim milk and butterfat, respectively, of the diverting handler in the latter's plant shrinkage computation: *And provided further* That (a) if milk from producers is utilized as milk, skim milk, or cream in conjunction with emergency milk or other source milk, the shrinkage of skim milk or butterfat respectively, allocated to the milk from producers shall not exceed its pro rata share computed on the basis of the proportions of such volumes of skim milk and butterfat, respectively, received from the various sources to their total, and (b) if milk from producers is transferred as milk, skim milk, or cream under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no milk of producers is disposed of as fluid milk in the marketing area, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transfer portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, con-

tained in all milk, skim milk, and cream received in the latter plant and added to the shrinkage of producer's milk handled in the handler's fluid milk plant.

(c) *Interhandler and nonhandler transfers.* (1) All skim milk and butterfat contained in milk and skim milk disposed of, either by transfer or diversion, by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk, and all skim milk and butterfat contained in cream so disposed of shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided*, That in no event shall the amount so indicated in writing for any class exceed the total use of skim milk or butterfat, respectively, in such class by the receiver, subject to verification by the market administrator: *And provided further* That the classification of any such transfer or diversion of skim milk and butterfat between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (e) of this section.

(2) All skim milk and butterfat contained in milk and skim milk disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses shall be Class I milk: *Provided*, That skim milk and butterfat contained in milk and skim milk disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive milk and skim milk other than of Grade A quality for nonfluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(3) All skim milk and butterfat contained in cream disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses shall be Class II milk: *Provided*, That skim milk and butterfat contained in cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for nonfluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(4) All skim milk and butterfat contained in milk, skim milk, and cream transferred or diverted by a handler from a plant, described under subparagraphs (1) or (2) of § 946.1 (e) of such a handler, to any other plant of such handler, shall be Class III milk: *Provided*, That if skim milk and butterfat are so transferred or diverted to such a plant from which milk, skim milk, or cream is disposed of as any product specified in paragraphs (b) (1) (i) or

(b) (2) of this section, such skim milk and butterfat, respectively, so transferred or diverted shall be classified on the basis of the pro rata share of the disposition from the latter plant of skim milk and butterfat, respectively, available for transfer, less shrinkage computed pursuant to paragraph (b) (3) (iii) of this section, and skim milk and butterfat, respectively, contained in other receipts of milk, skim milk, and cream at the latter plant.

(d) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected report:

(1) The total pounds of skim milk received by adding together (i) the pounds of milk received from producers, (ii) the pounds of milk, skim milk, and cream received from other handlers, (iii) the pounds of emergency milk received, and (iv) the pounds of other source milk received; and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat contained in receipts from sources specified in subparagraph (1) of this paragraph.

(3) The total pounds of skim milk in Class I milk by (i) converting to quarts the quantity of milk, skim milk, and cream disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15; (ii) subtracting the pounds of butterfat in Class I milk determined pursuant to subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in subdivision (ii) of this subparagraph and the excess shrinkage of skim milk determined pursuant to subparagraph (7) (iii) (b) or subparagraph (8) (ii) of this paragraph.

(4) The total pounds of butterfat in Class I milk by (i) adding together the pounds of butterfat in each of the several products of Class I milk; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the excess shrinkage of butterfat determined pursuant to subparagraph (9) (ii) (b) of this paragraph.

(5) The total pounds of skim milk in Class II milk by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class II milk; and (ii) subtracting the pounds of butterfat in Class II milk determined pursuant to subparagraph (6) of this paragraph.

(6) The total pounds of butterfat in Class II milk by adding together the pounds of butterfat disposed of in each of the several products of Class II milk.

(7) The total pounds of skim milk in Class III milk by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III milk; (ii) subtracting the pounds of butterfat in Class III milk computed pursuant to subparagraph (9) (i) of this paragraph; (iii) subtracting from the total pounds

of skim milk received computed pursuant to subparagraph (1) of this paragraph the total pounds of skim milk computed for each class pursuant to subparagraphs (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (a) that portion not in excess of 2 percent of total receipts of skim milk from producers, plus actual plant shrinkage of skim milk received from sources other than producers and handlers shall be considered as plant shrinkage and classified as Class III milk, and (b) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I milk: *Provided*, That if such excess shrinkage of skim milk is greater than the quantity determined pursuant to subparagraph (8) (ii) of this paragraph such quantity shall apply in lieu hereof, and the remainder of such excess shrinkage shall be classified as Class III milk; and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph, and the pounds of skim milk allocated to Class III milk pursuant to subdivision (iii) of this paragraph.

(8) In the event that the total pounds of skim milk obtained in subdivision (ii) of this subparagraph is less than the amount of skim milk shrinkage determined pursuant to subparagraph (7) (iii) (b) of this paragraph such quantity of skim milk shall be used in lieu thereof: (i) divide the pounds of butterfat shrinkage in producer milk, computed pursuant to subparagraph (9) (ii) (b) of this paragraph, by the average test of milk, skim milk, and cream available for use in Class III milk, less Class III purchases of milk, skim milk, and cream from other handlers, and (ii) subtract such quantity of butterfat shrinkage from the result obtained in subdivision (i) of this subparagraph.

(9) The total pounds of butterfat in Class III milk by (i) adding together the pounds of butterfat used to produce each of the several products of Class III milk; (ii) subtract from the total pounds of butterfat received, computed pursuant to subparagraph (2) of this paragraph, the pounds of butterfat in Class I milk and Class II milk computed pursuant to subparagraphs (4) (i) and (6) of this paragraph, and the pounds of butterfat computed pursuant to subdivision (i) of this subparagraph, which resulting amount of butterfat shall be classified as follows: (a) that portion not in excess of 2 percent of total receipts of butterfat from producers, plus actual plant shrinkage of butterfat in emergency milk and other source milk shall be considered as plant shrinkage and classified as Class III milk, and (b) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I milk; and (iii) adding together the results obtained in subdivisions (i) and (ii) (a) of this subparagraph.

(e) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds

of skim milk in such class allocated to milk received from producers:

(i) Subtract from the total pounds of skim milk computed for each class, in series beginning with the lowest-priced available class milk, the total pounds of skim milk contained in receipts of other source milk;

(ii) Subtract from the pounds of skim milk remaining in Class III milk an amount of skim milk so utilized, pursuant to paragraph (b) (3) (i) of this section, but not to exceed 5 percent of the total receipts of skim milk from producers plus the shrinkage of skim milk on milk received from producers, computed pursuant to paragraph (d) (7) (iii) (a) of this section;

(iii) Subtract from the pounds of skim milk remaining in Class III milk the pounds of skim milk contained in emergency milk received: *Provided*, That if the pounds of skim milk in emergency milk is greater than the pounds of skim milk remaining in Class III milk, the balance of such skim milk shall be subtracted pro rata from the pounds of skim milk in Class I milk and Class II milk;

(iv) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subdivision (ii) of this subparagraph;

(v) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk contained in milk, skim milk, and cream received from other handlers and assigned to such class: *Provided*, That if the pounds of skim milk to be subtracted from Class II milk or Class III milk is greater than the pounds of skim milk remaining in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class; and

(vi) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (d) (9) (i) (a) shall be substituted for the designated reference paragraph (d) (7) (iii) (a) set forth in subparagraph (1) (ii) of this paragraph)

(f) *Determination of producer milk in each class.* Add the pounds of skim milk and pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to subparagraphs (1) and (2) of paragraph (e) of this section, and determine the percentage of butterfat in each class.

§ 946.4 *Minimum prices*—(a) *Basic formula prices for Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in computing the prices for Class I milk and Class II milk, set forth in subparagraphs (1) and (2) of paragraph (b) of this section, shall be the highest of the prices per hundredweight of milk of 3.8 percent butterfat content computed pursuant to paragraph (b) (3) (i) of this section plus

15 cents, subparagraph (1) or subparagraph (2) of this paragraph.

(1) To the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co.
Black Creek, Wis.
Greenville, Wis.
Mt. Pleasant, Mich.
New London, Wis.
Orfordville, Wis.
Carnation Co..
Berlin, Wis.
Jefferson, Wis.
Chilton, Wis.
Oconomowoc, Wis.
Richland Center, Wis.
Sparta, Mich.
Pet Milk Co..
Belleville, Wis.
Coopersville, Mich.
Hudson, Mich.
New Glarus, Wis.
Wayland, Mich.
White House Milk Co..
Manitowoc, Wis.
West Bend, Wis.

add an amount computed by multiplying the butterfat differential determined pursuant to § 946.8 (f) by 3.

(2) The price per hundredweight computed as follows:

(i) Multiply by 3.8 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(ii) Add 20 percent thereof; and

(iii) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

(b) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section and § 946.7 (a) each handler shall pay producers, at the time and in

the manner set forth in § 946.8, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk, Class II milk, and Class III milk, computed pursuant to § 946.3 (f)

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus \$1.05: *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class I milk shall not be less than \$5.00, and that for the delivery periods of January and February, 1948, the price for Class I milk shall not be less than the December, 1947, price less 44 cents.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus \$0.50; *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class II milk shall not be less than \$4.45, and that for the delivery periods of January and February, 1948, the price for Class II milk shall not be less than the December, 1947, price less 44 cents.

(3) *Class III milk.* The price for Class III milk shall be the higher of the prices computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The price per hundredweight computed as follows: from the average of the basic (or field) prices reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk of 4 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received during the delivery period:

Concern and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

subtract an amount computed by multiplying the butterfat differential determined pursuant to § 946.8 (f) by 2.

(ii) The price per hundredweight computed as follows:

(a) Multiply by 3.8 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period:

(b) Add 20 percent thereof; and

(c) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the preceding delivery period which were not published and available for the price determination of such milk solids for the

previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: Add $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above $6\frac{1}{2}$ cents per pound.

(c) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk plus 12 cents.

(d) *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 946.3 (f) is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated for each class of utilization as follows:

(1) *Class I milk.* Multiply by 0.13 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(2) *Class II milk.* Multiply by 0.125 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period; and

(3) *Class III milk.* Multiply by .12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period.

§ 946.5 *Reports of handlers—(a) Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period, all skim milk and butterfat contained in receipts of milk from producers (including milk produced by him) receipts of milk, skim milk, and cream from other handlers, receipts of emergency milk, and receipts of other source milk; and the utilization of all receipts of skim milk and butterfat for the delivery period.

(2) On or before the day emergency milk is received, his intention to receive such milk.

(3) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of emergency milk, the quantity of skim milk and butterfat contained in such milk, the date or dates upon which such milk was received, the plant from which such milk was

shipped, the price per hundredweight paid, or to be paid, for such milk, the utilization of skim milk and butterfat contained in such milk, and such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted as described in § 946.1 (e) (3) need not be reported pursuant to this paragraph.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer payroll for such delivery period which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved, and the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports and payments.* (1) The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler upon whose disposition of skim milk and butterfat contained in milk, skim milk, or other milk products such handler claims classification. Each handler shall keep adequate records of his receipts and utilization of all skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records, reports, and facilities as will enable the market administrator to (i) verify the receipts and disposition of all skim milk and butterfat required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures; (ii) weigh, sample, and test for butterfat content the milk received from producers and any milk product upon which classification depends; and (iii) verify the payments to producers prescribed in § 946.8.

(2) If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine the records of milk and milk products handled in a plant of a handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any skim milk or butterfat contained in milk received from producers during such delivery period was used in a class other than that in which it was first disposed of, such skim milk and butterfat shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such skim milk and butterfat shall be made in the billing computed for such handler for the delivery period following such reclassification.

(e) *Reports from the market administrator to cooperative associations.* On

or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association as described in § 946.9 (b) the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

§ 946.6 *Application of provisions—(a) Handlers who are also producers.* No provisions hereof shall apply to a handler whose only sources of milk supply are receipts from his own production or from other handlers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) *Receipts of bulk milk from a handler who is also a producer.* The market administrator, in computing the value of milk for any handler, shall consider as Class III milk any skim milk or butterfat contained in milk, skim milk, or cream received in bulk from a handler whose only source of milk is his own production. If the receiving handler disposes of skim milk or butterfat from such milk, skim milk, or cream, other than as Class III milk, the market administrator shall add to the total value, computed pursuant to § 946.7 (a), the difference between the value of such milk, skim milk, and cream at the Class III price computed pursuant to § 946.4 (b) (3) and the value according to its allocated usage.

(c) *Payment for excess skim milk or butterfat.* In the event that a handler, after subtracting receipts of milk, skim milk, and cream from other handlers, receipts of emergency milk, and receipts of other source milk, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, such handler shall pay to producers, through the producer-settlement fund, an amount computed by multiplying the pounds in each class as subtracted pursuant to § 946.3 (e) by the applicable class prices.

§ 946.7 *Determination of uniform prices to producers—(a) Computation of value for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of paragraphs (b) and (c) of § 946.6, the value of milk of producers received by each handler, by multiplying the quantity in each class, computed pursuant to § 946.3 (f) by the price applicable to such class and adding together such amounts: *Provided*, That if such handler uses butterfat from producers' milk received during April, May, and June, to produce butter, an allowance shall be made in the value of milk computed for such handler at the rate of .10 times the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, on such butterfat so used which is not

in excess of 10 percent of such handler's disposition of Class I butterfat computed pursuant to § 946.3 (d). If such handler utilizes emergency milk or other source milk in milk products, the amount of butter allocated to butterfat in milk received from producers shall be a pro rata share based upon the respective volumes of butterfat from each source utilized in milk products.

(b) *Computation and announcement of uniform price.* The market administrator shall compute and announce the uniform price per hundredweight of producer milk containing 3.8 percent of butterfat for each delivery period, as follows:

(1) Combine into one total the respective values computed pursuant to paragraph (a) of this section, for all handlers who made the report prescribed by § 946.5 (a) for such delivery period, except those in default of payments required pursuant to § 946.8 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to § 946.3 (f)

(3) Subtract for each of the delivery periods of April, May, and June, 1946, an amount representing 25 cents per hundredweight of milk received from producers by the handlers whose milk values are included under subparagraph (1) of this paragraph, such deduction to be increased to 30 cents per hundredweight during the corresponding delivery periods of 1947, to 35 cents per hundredweight during the corresponding delivery periods of 1948, and to 40 cents per hundredweight during the corresponding delivery periods of each year thereafter;

(4) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 946.8 (e) and less the aggregate of the amounts held pursuant to subparagraph (3) of this paragraph for payment pursuant to § 946.8 (d) (2)

(5) Divide the amount computed pursuant to subparagraph (4) of this paragraph by the total hundredweight of milk of producers;

(6) Subtract from the figure computed pursuant to subparagraph (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments of delinquencies in payments by handlers; and

(7) On or before the 10th day after the end of each delivery period, notify each handler and publicly announce such uniform price, the class prices, and the butterfat differentials provided by § 946.4 (d) and § 946.8 (f)

§ 946.8 *Payment for milk.*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer, for milk received during the delivery period, an amount of money representing not less than the total value of such producer's milk at the uniform

price per hundredweight, subject to the butterfat differential set forth in paragraph (f) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (d) of this section, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) of this section, and out of which he shall make all payments pursuant to paragraphs (d) and (f) of this section: *Provided*, That payment due any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the classification value of his milk, computed pursuant to § 946.7 (a) for the delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price.

(d) *Payments out of the producer-settlement fund.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers any amount by which the classification value of his milk, computed pursuant to § 946.7 (a) for the delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, beginning in 1946, the market administrator shall pay out of the producer-settlement fund to the producers from whom milk was received during such delivery period an amount computed as follows: Divide one-third of the aggregate amount held pursuant to § 946.7 (b) (3) by the hundredweight of producers' milk delivered during the delivery period involved (September, October, or November, as above) and apply the resulting amount (computed to the nearest full cent per hundredweight) to the milk of each producer for such delivery period: *Provided*, That payments

under this subparagraph due any producer who has given authority to a cooperative association which is qualified under the "Capper-Volstead Act" pursuant to § 946.9 (b), to receive payment for his milk shall be distributed to such cooperative association if the association requests receipt of such payments.

(e) *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price for each handler shall be adjusted, for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.8 percent, as the case may be, by a butterfat differential (computed to the nearest multiple of one-half cent) calculated as follows: multiplying by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period.

§ 946.9 *Marketing services.*—(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made directly to producers pursuant to § 946.8, with respect to all milk received by such handler from producers during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such de-

ductions from the payments to be made directly to such producers pursuant to § 946.8, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 946.10 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 2 cents per hundred-weight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period, of (1) milk from producers (including such handler's own production) and (2) emergency milk received at a plant described in subparagraphs (1) and (2) of § 946.1 (e). Each cooperative association which is a handler shall pay pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a plant from which no milk is disposed of in the marketing area.

§ 946.11 *Effective time, suspension, and termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged, (ii) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appro-

priate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 946.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Filed at Washington, D. C., this 25th day of August 1947.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 47-8040; Filed, Aug. 27, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1917065]

ALASKA

NOTICE OF FILING OF PLATS OF U. S. SURVEYS
ACCEPTED JUNE 24, 1947

AUGUST 20, 1947.

Notice is given that the plats of:

U. S. Survey No. 2723, Alaska, Lots 1 to 7, inclusive, area 7.65 acres, situated at the junction of the Slana-Tok and Alaska Highways;

U. S. Survey No. 2724, Alaska, Lots 1 to 6, inclusive, area 8.23 acres, situated on the east side of the Slana-Tok Highway at the junction with the Alaska Highway;

U. S. Survey No. 2725, Alaska, Lots 1 to 7, inclusive, area 7.36 acres, situated at the junction of the Slana-Tok and Alaska Highways;

U. S. Survey No. 2726, Alaska, Lots 1 to 6, inclusive, area 7.36 acres, situated on the west side of the Slana-Tok Highway at the junction with the Alaska Highway;

U. S. Survey No. 2727, Alaska, Lots 1 to 5, inclusive, area 6.25 acres, situated on the west side of the Richardson Highway at the junction with the Alaska Highway;

U. S. Survey No. 2728, Alaska, Lots 1 and 2, area 2.39 acres, situated on the

west side of Richardson Highway about 0.2 mile north of the Alaska and Richardson Highway junction, will be officially filed in the District Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on October 22, 1947.

By Public Land Order No. 12 of July 20, 1942 and Public Land Order No. 84 of January 28, 1943, these lands, subject to valid existing rights were withdrawn from all forms of appropriation under the public-land laws, and by Public Land Order 386 of July 31, 1947 the orders mentioned were revoked as to these lands, and, subject to valid existing rights, including the rights of natives based on occupancy, and the provisions of existing withdrawals (including the withdrawal of a 60-ft. strip along the Alaska-Yukon Territory boundary, made by Proclamation of May 3, 1912, 37 Stat. 1741) were withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral leasing laws for classification and survey.

Anyone having a valid settlement right or other right to any of these lands, initiated prior to the date of the withdrawal of the land, should assert the same within three months from the date on which the plats are officially filed by filing an application under appropriate public land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Fairbanks, Alaska.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8010; Filed, Aug. 27, 1947; 8:45 a. m.]

NEW MEXICO

REVOKING CERTAIN WITHDRAWALS FOR FOREST ADMINISTRATION SITES

The orders of the Secretary and the Acting Secretary of the Interior dated November 28, 1906, February 5, 1907, August 26, 1907, and January 7, 1903, withdrawing the following-described lands for use as forest administrative sites within the Lincoln National Forest, New Mexico, are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 11 E.,

Sec. 27, unsurveyed, a tract of approximately 95 acres, described by metes and bounds, withdrawn as Station 26, White Mountain Park Administrative Site.

T. 20 S., R. 19 E.,

Sec. 20, two tracts aggregating 200 acres, described by metes and bounds, withdrawn as the Sargent Seep Administrative Site.

This order shall not otherwise become effective to change the status of the lands

until 10:00 a. m. on the 63d day from the date on which it is signed, whereupon the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254) to the extent that these regulations are applicable.

OSCAR L. CHAPMAN,
Under Secretary of the Interior

AUGUST 15, 1947.

[F. R. Doc. 47-8011; Filed, Aug. 27, 1947;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2384 et al.]

CHICAGO HELICOPTER SERVICE CASE

NOTICE OF HEARING

In the matter of the application of United Air Lines, Inc., and other applications for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new and additional air transportation services of persons, property, and mail with helicopter aircraft in the Chicago, Illinois, area.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 15, 1947, at 10:00 a. m., Room 779, United States Court House Building, Jackson Boulevard and Dearborn Street, Chicago, Illinois, before Examiner Ferdinand D. Moran.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be directed to the following matters and questions:

1. Whether the proposed routes are required by the public convenience and necessity.

2. Whether the applicants are citizens of the United States and are fit, willing, and able to perform the service for which they are applying and to conform to the provisions of the act and the rules, regulations, and requirements of the Board promulgated thereunder.

3. If the public convenience and necessity require the service, which carrier can best perform the service.

Notice is further given that any person desiring to be heard in opposition to an application consolidated in this proceeding must file with the Board on or before September 15, 1947, a statement setting forth the issues of fact or law which he desires to controvert.

For further details of the service proposed and authorizations requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., August 22, 1947.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8042; Filed, Aug. 27, 1947;
8:47 a. m.]

[Docket No. 2861]

SOUTHWEST AIRWAYS CO.

NOTICE OF HEARING REGARDING MODIFICATION OF OPERATING RESTRICTION

In the matter of the application of Southwest Airways Company for amendment, pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended, of certificate of public convenience and necessity for route No. 76 so as to authorize origination or termination of scheduled flights short of terminal points.

Notice is hereby given pursuant to sections 401 and 1001 of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on September 15, 1947 at 10:00 a. m., daylight saving time, in Conference Room C of the Departmental Auditorium, Constitution Avenue NW., between 12th and 14th Streets, Washington, D. C., before Examiner F. A. Law, Jr.

Without limiting the scope of the issues presented by the application herein particular attention will be directed to the following matters and questions: (1) Whether the proposed amendment is required by the public convenience and necessity and particularly whether the restriction against originating or terminating flights short of terminal points contained in the certificate of public convenience and necessity for route No. 76 is unnecessarily burdensome upon the applicant, or unnecessarily restricts the movement of traffic; whether the public convenience and necessity require such restriction or whether it is in the public convenience and necessity for applicant to operate flights originating or terminating at points short of terminal points; (2) Whether the applicant is fit, willing and able to perform the transportation proposed in the application, and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder; and (3) Whether the applicant is a citizen of the United States within the meaning of the act. Any person desiring to be heard in this proceeding must file with the Board, on or before September 12, 1947, setting forth the issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., August 25, 1947.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8039; Filed, Aug. 27, 1947;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-832]

EAST OHIO GAS CO.

NOTICE OF APPLICATION

AUGUST 22, 1947.

Notice is hereby given that on August 6, 1947, The East Ohio Gas Company (Applicant), an Ohio corporation having its principal place of business at Cleveland, Ohio, and authorized to do business in the State of Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities described as follows:

Approximately 84 miles of 20-inch O. D. pipeline extending in a northerly direction from Applicant's Mullett Farm valve station about 4 miles north of the Ohio River in Switzerland Township, Monroe County, Ohio, at which location said 20-inch line will be connected to the Big Inch and Little Big Inch Pipe Lines, and thence extending in a northerly direction to Applicant's Gross Farm valve station, Jackson Township, Stark County, Ohio;

or, in the alternative, a finding that Applicant is not a "natural-gas company," subject to the jurisdiction of the Commission under the provisions of said act.

The application recites that the proposed pipeline is to be used for the purpose of augmenting Applicant's existing gas supply; that said 20-inch line is to be connected to the Big Inch and Little Big Inch Pipe Lines, which lines are now operated under temporary lease from the War Assets Administration by Texas Eastern Transmission Corporation (Texas Eastern), that Applicant, in addition to purchases of natural gas from Hope Natural Gas Company and Panhandle Eastern Pipe Line Company, is at present purchasing and receiving gas from Texas Eastern at Applicant's Mullett Farm valve station through an existing pipeline in quantities of approximately 47 million cubic feet per day, under an interim agreement dated March 26, 1947, between Texas Eastern and Applicant together with other subsidiaries of Consolidated Natural Gas Company.

The application further recites that under a separate agreement, likewise dated March 26, 1947, between Texas Eastern and Applicant together with other subsidiaries of Consolidated Natural Gas Company, which agreement is contingent upon the consummation of the purchase by Texas Eastern of said Big Inch and Little Big Inch Pipe Lines, Texas Eastern agrees to continue to sell specified quantities of natural gas from said two lines to Applicant, and Applicant agrees to proceed with its efforts to obtain any necessary authorization for the construction of additional facilities for receiving said gas and to proceed with such construction as diligently as possible. The application further states that pursuant to this agreement, as soon as Texas Eastern has completed the construction of additional facilities to increase the capacity of the Big Inch and

Little Big Inch Pipe Lines, and as soon as Applicant has completed additional facilities to receive gas from said two lines, Applicant is entitled to receive increased supplies of gas from Texas Eastern.

The estimated total over-all capital cost of construction for the proposed facilities is approximately \$3,200,000. Applicant proposes to finance such costs from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of The East Ohio Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rules 8 and 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10)

[SEAL]

S. A. WALKER,
Acting Secretary.

[F. R. Doc. 47-8013; Filed, Aug. 27, 1947;
8:46 a. m.]

[Docket No. G-935]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 25, 1947.

Notice is hereby given that on August 18, 1947, an application was filed with the Federal Power Commission by East Tennessee Natural Gas Company (Applicant) a Tennessee corporation having its principal place of business at Chattanooga, Tennessee, for an order by the Commission under section 7 (a) of the Natural Gas Act requiring Tennessee Gas Transmission Company, as successor to Tennessee Gas and Transmission Company, to extend or improve its facilities, to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct and operate pursuant to the certificate sought in Docket No. G-889,¹ and to sell and deliver natural gas to Applicant in such quantities and upon such reasonable conditions as to enable Applicant to render adequate service to the markets and areas proposed to be served by Applicant.

Applicant states that the markets and areas to be served by the facilities proposed at Docket No. G-889, include the

¹For a description of such facilities, see Notice of Application, 12 F. R. 3090-91.

Chattanooga and Knoxville, Tennessee, markets and areas, and approximately thirty other intermediate and adjacent municipalities and areas in Tennessee, all of which are now without natural gas service; and that the maximum daily demand of such markets and areas at the end of the fifth year after the introduction of natural gas therein is estimated to be 63,876 Mcf.

Applicant further states that the aforesaid markets and areas are dependent upon Tennessee Gas Transmission Company for their natural gas supply; that by written contract of September 6, 1946, Tennessee Gas and Transmission Company agreed to supply the entire natural gas requirements thereof; and that Tennessee Gas Transmission Company does not propose to furnish such natural gas service to Applicant from the increased capacity authorized at Docket No. G-808.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of East Tennessee Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8021; Filed, Aug. 27, 1947;
8:47 a. m.]

[Docket No. G-933]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

AUGUST 22, 1947.

Notice is hereby given that on August 8, 1947, Panhandle Eastern Pipe Line Company (Applicant) a Delaware corporation having its principal office in Kansas City, Missouri, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities, subject to the jurisdiction of the Commission:

One 2,400 horsepower compressor unit and appurtenant equipment at Liberal, Kansas, compressor station.

Applicant states that the proposed facilities are needed for the 1947-1948

winter season in order to compensate for Applicant's inability to procure in time for the 1947-1948 season the pipe required for the 10.6 miles of 26-inch O. D. loop line proposed to be constructed between Applicant's Liberal and Hansford compressor stations, which loop line, among other facilities, was authorized to be constructed by the Commission's order of November 30, 1946, at Docket No. G-706. Applicant further states that the installation of the facilities proposed in this docket will enable Applicant to supply 515,000 Mcf per day at the discharge side of its Liberal Station, as contemplated to be supplied by the facilities authorized at Docket No. G-706. Applicant estimates that the proposed compressor facilities will be available for installation before the beginning of the winter season of 1947-1948.

Applicant estimates that the total over-all capital cost of the proposed facilities is \$215,000, which will be financed through the use of current funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Panhandle Eastern Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10)

[SEAL]

S. A. WALKER,
Acting Secretary.

[F. R. Doc. 47-8014; Filed, Aug. 27, 1947;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 53-22, 52-27, 54-125]

NORTH AMERICAN GAS AND ELECTRIC CO.
ET AL.

NOTICE OF FILING OF AMENDMENT 3 TO PLAN FOR RECAPITALIZATION OF SOUTHERN UTAH POWER COMPANY AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 20th day of August 1947.

In the matter of North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth

and Leo Loeb, trustees of the estate of Washington Gas and Electric Company, and their subsidiary companies, respondents, File No. 59-22; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, File No. 52-27; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, Southern Utah Power Company, File No. 54-125.

Notice is hereby given that Nathan A. Smyth and Leo Loeb, as Trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor ("Washington"), a public utility and registered holding company, said Trustees being also a registered holding company, and Southern Utah Power Company ("Southern Utah") a public utility company and a subsidiary of Washington, have filed with the Commission, pursuant to the provisions of the Public Utility Holding Company Act of 1935 (the "act") Amendment No. 3 to their Application for Approval of a Plan of Recapitalization of Southern Utah. The amendment supersedes the provisions of the Plan heretofore filed for the recapitalization of Southern Utah and the amendments thereto heretofore submitted. The said applicants have requested that said Amendment No. 3 be considered under the provisions of sections 6, 7, 10, and 12 of the act.

All interested persons are referred to the said Amendment No. 3, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

1. Southern Utah will amend its Articles of Incorporation so as to provide for an authorized issue of 4,400 shares of $4\frac{1}{2}\%$ Cumulative Preferred Stock of \$100 par value and 82,000 shares of Common Stock of \$10 par value in place of the presently authorized 4,500 shares of 7% Prior Preference Stock of \$100 par value, 600 shares of \$5 Preferred Stock without par value and 7,500 shares of \$100 par value Common Stock.

2. Washington, as the owner of the 3,000 shares of 7% Prior Preference Stock, the 4,500 shares of the \$100 par Common Stock and 41 of the 353 $\frac{1}{2}$ shares of the \$5 Preferred Stock of Southern Utah, being all of its capital stock presently outstanding, will exchange such shares for 62,910 shares of the proposed new \$10 par value Common Stock of Southern Utah.

3. The 312 $\frac{1}{2}$ shares of the presently outstanding \$5 Preferred Stock owned by persons other than Washington are to be called for redemption.

4. Of the newly authorized shares of $4\frac{1}{2}\%$ Cumulative Preferred Stock, 1,500 shares will be sold to Armour and Company Employees' Pension Fund of Chicago, Illinois, and Bankers Life Insurance Company of Nebraska, of Lincoln, Nebraska, in equal portions, at \$100 per share. The proceeds of the sale are to be used in part to furnish funds for the aforementioned redemption of the publicly held 312 $\frac{1}{2}$ shares of the \$5 Pre-

ferred Stock and the balance is to be applied towards the payment of bank loans heretofore made by the company for construction purposes or toward the payment of the cost of future construction of facilities necessary in the conduct of its business.

5. The new $4\frac{1}{2}\%$ Cumulative Preferred Stock will be redeemable in whole or in part at the company's option at \$105 per share and accrued dividends at any time on thirty days' notice, or at \$100 per share through the operation of a sinking fund into which must be paid, on or before the first day of September of every year beginning with 1948, an amount of cash equal to 3% of the aggregate par value of the greatest number of such shares which have heretofore been issued and outstanding. Holders of such stock will be entitled to the preferential payment of \$105 per share and accrued dividends in the event of a voluntary, and to \$100 per share and accrued dividends in the event of an involuntary dissolution or liquidation. The new Common Stock will have the sole voting right to elect directors, except that, in the event that Cumulative Preferred dividends are in arrears amounting to \$4.50 per share or more, or in the event of a failure to set aside and apply to the redemption of such Preferred Stock any annual sinking fund installment, the holders of the Preferred Stock will have the right, as a class, to elect the smallest number of directors constituting a majority of the Board. Additional shares of such Preferred Stock may be issued with the consent of the holders of two-thirds of the then outstanding shares of such stock or without such consent provided certain earnings coverage tests are met.

6. No dividends are to be paid on any of the presently outstanding shares of 7% Prior Preference, \$5 Preferred or \$100 par value Common Stocks, except such as are payable upon the redemption of the publicly held 312 $\frac{1}{2}$ shares of \$5 Preferred Stock.

The Trustees state that in addition to approval by this Commission, authority must be obtained by the Trustees from the Bankruptcy Court to make the exchanges of stock and take such other steps as are necessary to carry out the proposed transactions.

The Trustees of Washington having heretofore filed with this Commission an application for approval of Amendment No. 1 to a plan for reorganization of Washington, submitted pursuant to section 11 (f) of the act, and the proceedings thereon having been consolidated with proceedings on the amended plan for the recapitalization of Southern Utah and with proceedings instituted by the Commission under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Washington and Southern Utah, and hearings having been held and adjourned subject to call; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings held in the aforesaid consolidated proceeding with respect to Washington and its remaining subsidiary, Southern Utah, be reconvened;

It is ordered, That a hearing in such consolidated proceedings under the applicable provisions of the Act and Rules of the Commission be reconvened on September 3, 1947 at 10:00 a. m., e. d. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues to be considered in these consolidated proceedings there will be considered at such reconvened hearing the matters and questions set forth in our Notice of and Order Reconvening Hearings herein, dated August 21, 1946 (Holding Company Act Release No. 6855) except insofar as the same are now inapplicable to Southern Utah, and further with respect to Southern Utah, the following matters and questions:

1. Whether the proposed issue and sale of $4\frac{1}{2}\%$ Preferred Stock by Southern Utah meet the standards of section 7 of the act.

2. Whether the proposed authorization and issue, and the exchange of new Common Stock for the existing shares and classes of stock of Southern Utah presently owned by Washington are in all respects in conformity with the standards of the act.

3. Whether the proposed redemption and retirement of the publicly held \$5.00 Preferred Stock of Southern Utah in all respects are in conformity with the provisions of the act and applicable rules thereunder.

4. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether the accounting entries to be recorded in connection with the proposed transactions are proper and in conformity with sound accounting principles and meet the standards of the act.

6. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors and consumers in connection with the proposed transactions.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Nathan A. Smyth and Leo Loeb, Trustees of Washington Gas and Electric Company, Debtor, to Southern Utah Power Company, the Cities of Tacoma, Olympia, Aberdeen and Everett, Washington and Cedar City, Utah, the Federal Power Commission, the Department of Public Service of the State of Washington, the Public Service Commission of the State of Utah, The Continental Bank and Trust

Company of New York, indenture trustee under the mortgage securing Washington's First Lien and General Mortgage 6% Bonds, to The Chase National Bank of the City of New York, indenture trustee under the mortgage securing Washington's First Mortgage Bonds, and to all participants in these consolidated proceedings; and that further notice be given by general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That any persons desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of this Commission, on or before September 2, 1947, his request or application therefor, as provided in Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8016; Filed, Aug. 27, 1947;
8:46 a. m.]

[File No. 70-1591]

IOWA PUBLIC SERVICE CO. AND SIOUX CITY
GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of August 1947.

Notice is hereby given that Iowa Public Service Company ("Iowa Public") a public utility company and a registered holding company, and its parent, Sioux City Gas and Electric Company ("Sioux City") also a public utility company and a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act") Applicants-declarants have designated sections 6 (a) 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 3, 1947 at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Street, Philadelphia 3, Pennsylvania. At any time thereafter, such application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Iowa Public proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$3,500,000 principal amount of First Mortgage Bonds, — % Series due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust, dated as of June 1, 1946, to be supplemented by a First Supplemental Indenture dated as of September 1, 1947. The interest rate on the new bonds (which is to be a multiple of $\frac{1}{8}$ of 1%) and the price to be received by Iowa (to be not less than 100% and not more than 102 $\frac{3}{4}$ % of the principal amount thereof) are to be determined by the competitive bidding.

Iowa Public also proposes to issue 109,866 shares of additional common stock of a par value of \$15 per share and offer to its common stockholders of record at the close of business on September 16, 1947, the right to subscribe for such common stock at the rate of $\frac{1}{2}$ of a share of common stock for each share of common stock then held of record at a price to be determined by the Board of Directors on or about September 11, 1947, which price will be approximately \$3 below the market price at such time, but not below \$15 per share. The subscription rights will be evidenced by transferable warrants which will be exercisable only in amounts calling for full shares and which warrants will be mailed on or about September 18, 1947. In addition, the holders of warrants will be entitled to subscribe at the same price for shares covered by outstanding unexercised warrants, subject to allotment upon the basis that the number of shares covered by the warrant exercised by such holder bears to the total number of shares covered by outstanding warrants which are exercised by holders thereof desiring to subscribe for additional shares, irrespective of the number of additional shares subscribed for. The holder of a warrant will not be entitled to subscribe for the shares covered thereby unless the duly exercised warrant and the purchase price for the shares to be issued upon the exercise thereof are received by Manufacturers Trust Company, Agent, 55 Broad Street, New York 15, New York, prior to 3 p. m., New York Time, October 8, 1947; the holder of a warrant will not be entitled to subscribe for additional shares subject to allotment unless he shall also subscribe for the number of shares specifically covered by such warrant and unless payment is made, upon surrender of such warrant, in full for the shares specifically covered thereby and to the extent of at least 10% of the purchase price of the additional shares subscribed for.

Sioux City proposes to exercise the warrants to be received by it, representing a total of 66,359 shares of common stock and, in addition to subscribe for 6,592 additional shares subject to allotment. Sioux City also proposes to purchase at the same price any shares of the common stock of Iowa Public which are not subscribed for either on the basis of shares covered by warrants or as a result

of subscriptions for additional shares subject to allotment. As required by the terms of the Mortgage and Deed of Trust of Sioux City dated as of December 1, 1945, all shares of common stock of Iowa Public so acquired will be pledged by Sioux City with the trustee under said mortgage.

The application-declaration states that Iowa Public will use the net proceeds from the sale of the bonds and additional common stock to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions or to reimburse its treasury in part for expenditures made for such purposes. Of the net proceeds to be received from the issuance and sale of the bonds and common stock, approximately \$1,200,000 will be added to the company's general funds and approximately \$2,300,000 will be retained by the trustee under Iowa Public's indenture subject to withdrawal in amounts equivalent to 60% of the cost or fair value of unfunded net property additions certified to the trustee, and otherwise as provided in the indenture.

Sioux City proposes, pursuant to the terms of a loan agreement, to issue and sell privately to Bankers Trust Company (New York) a promissory note or notes, in the aggregate principal amount of \$1,800,000, bearing interest on the unpaid principal amount at the rate of 1 $\frac{1}{4}$ % per annum payable quarterly and maturing in two years from the date of issue. The proceeds of the sale of the notes will be used for the construction or acquisition of permanent improvements, extensions and additions to Sioux City's property and to acquire shares of common stock of Iowa Public. The application-declaration states that Sioux City desires to finance temporarily by means of a bank loan until such time as its requirements have reached sufficient size to justify permanent financing. In addition, it is stated that it is the judgment of Sioux City's management that such permanent financing can be carried out more advantageously after the consolidation referred to hereinafter, than by Sioux City prior to such consolidation.

The application-declaration also states that it is the present intention of the managements of Iowa Public and of Sioux City to initiate proceedings during 1948 to effect a consolidation of the properties of Iowa Public and Sioux City, either by the filing of a voluntary plan pursuant to section 11 of the act or, upon securing the necessary stockholder and Commission approval, by a merger or consolidation of the corporations pursuant to the provisions of the statutes of Iowa and Delaware, or by such other means as may be approved by the Commission.

The application-declaration further states that any such consolidation would probably involve the assumption by the surviving or successor corporation of all debts of Iowa Public and of Sioux City, the issuance of its preferred and common stocks for the preferred and common stocks of Iowa Public and of Sioux City, and, as part of such consolidation or subsequent thereto, the sale of additional common stock of the surviving or successor corporation, together with cash derived from earnings, to pay the pro-

posed note or notes of Sioux City in the aggregate principal amount of \$1,800,000.

The applicants-declarants request that the Commission's order be issued on September 4, 1947 and become effective forthwith.

By the Commission.

[SEAL] Nellye A. Thorsen,
Assistant to the Secretary.

[F. R. Doc. 47-8015; Filed, Aug. 27, 1947;
8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9640]

AACHENER BANKFÜR HANDEL UND GEWERBE

In re: Bank account owned by Aachener Bankfür Handel und Gewerbe. F-28-259-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aachener Bankfür Handel und Gewerbe, the last known address of which is c/o Commerz Privatbank, Aix-la-Chapelle, Germany, is a coporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Aachener Bankfür Handel und Gewerbe, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Aachener Bankfür Handel Gewerbe, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Aachener Bankfür Handel und Gewerbe, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Aachener Bankfür Handel Gewerbe for Gebr. Erasmus, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8025; Filed, Aug. 27, 1947;
8:45 a. m.]

[Vesting Order 9642]

ROSA ALBERT ET AL.

In re: Bank accounts owned by Rosa Albert, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Albert, Max Buehler, Anna Lurz, Ignaz Ruck, Ludwig Ruck, Heinrich E. Ruck, and Josef Ruck, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made

EXHIBIT A

Name of nationals	Name or title of account	Account No.	OAP file No.
Rosa Albert	Rosa Albert	C 12-131	F-23-9112-E-1.
Max Buehler	Max Buehler	C 12-129	F-23-9411-E-1.
Anna Lurz	Anna Lurz	C 12-130	F-23-12350-E-1.
Ignaz Ruck	Ignaz Ruck	C 12-133	F-23-26226-E-1.
Ludwig Ruck	Ludwig Ruck	C 12-132	F-23-26227-E-1.
Heinrich E. Ruck	Heinrich E. Ruck	C 12-135	F-23-26229-E-1.
Josef Ruck	Josef Ruck	C 12-135	F-23-27534-E-1.

[F. R. Doc. 47-8027; Filed, Aug. 27, 1947; 8:45 a. m.]

[Bar Order 1]

JOSEPH CHOKICHI ABE ET AL.

ORDER EXTENDING THE TIME FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, the time fixed by Bar Order No. 1 (12 F. R. 1448, March 1, 1947; 12 F. R. 3394, May 24, 1947) for the filing of debt claims in respect of debtors, any of whose property was vested in or transferred to the Alien Property Custodian or the Attorney General between December 18, 1941 and December 31, 1946, inclusive, is hereby extended to such date or dates as shall be fixed by further bar orders in respect of debtors other than those listed in Appendix A hereto.

a part hereof, by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of commercial accounts, numbered and entitled as set forth opposite the names of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

At least sixty days' notice of such date or dates shall be given by publication in the FEDERAL REGISTER. In accordance with said section 34 (b) no time for the filing of debt claims shall be fixed beyond August 8, 1948, or two years from the date of the last vesting in or transfer to the Alien Property Custodian or the Attorney General of any property or interest of a debtor in respect of whose debts a date is fixed, whichever is later. September 2, 1947, shall remain fixed as the date after which claims filed in respect of the debtors listed in Appendix A shall be barred from consideration.

Executed at Washington, D. C. this 25th day of August 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

APPENDIX A

Name of debtor	Last known address	Vesting order No.	Name of debtor	Last known address	Vesting order No.
1. Abe, Joseph Chokichi (a/k/a Chokichi Abe, Kyoze Abe, and Portuguese Abe—Sole Proprietor of Abe Appliances, Honolulu, T. H.).	119 Yobu, Uto Machi, Uto Gunn, Kumamoto Prefecture, Japan.	1005	55. Reckewald, Anna, and the issue whose names are unknown (T U/W Frank Maylinger, dec'd).	Germany.....	2269
2. Akawa & Co., Ltd. (Akawa & Co., Inc., a New York Corp.).	Kobe, Japan.....	1113	56. Bormann, Anna (a/k/a Anna Maria Alwin Elise Bormann).	Dresden, Germany.....	2273
3. Altenbach, Emilie.....	12 Beethoven Strasse, Dusseldorf, Germany.	816	57. Bormann, Fritz.....	Leipzig, Germany.....	2273
4. Bahlan, Grete (a/k/a Grete Nuhl).....	Landsberg/Warthe, Blumensackstrasse 28, III, Germany.	2101	58. Bormann, Walter.....	Belgardsheim, Germany.....	2273
5. Barth, Katharina.....	Stockstadt, Rhein, Germany.	279	59. Bormann, Carl.....	Leipzig, Germany.....	2273
6. Berky, Dr. Lajos (Estate of Julius Berky, dec'd).	Hungary.....	2315	60. Bormann, Paul.....	Dresden, Germany.....	2273
7. Brehmer, Gebrüder.....	Leipzig W-31, Germany.....	2342	61. Bormann, Walter.....	do.....	2273
8. Buchmüller, Margot.....	14 Beethoven Strasse, Dusseldorf, Germany.	816	62. Handel, Gertrud.....	Pulsnitz, Germany.....	2273
9. Combes, Ilona Berky des (Estate of Julius Berky, dec'd).	Hungary.....	2315	63. Gobel, Elisabeth.....	Berlin, Germany.....	2273
10. Dai Ichu Ginko, Ltd.....	Tokyo Central P. O. Box 161, Tokyo, Japan.	2497	64. Bormann, Ernst Arthur August.....	Welsitz, near Freital, Germany.....	2273
11. Desebrock, Hanna.....	Mittlerweg 120, Hamburg, Germany.	1632	65. Bormann, Herbert Alwin Paul.....	Heldmann District, Dresden, Germany.....	2273
12. Deutsche Bau und Bodenbank, A. G.....	Taubenstrasse 48-49, Berlin W8, Germany.	5393 7549 1721 2397	66. Lauckner, Erna Anna.....	Leipzig, Germany.....	2273
13. Deutsches Haus, Inc. (An instrumentality of the German-American Bund, Los Angeles Unit).	Germany (634 West 16th Street, Los Angeles, California).	1721	67. Government General of Formosa.....	Formosa.....	1592
14. Doerr, Maria Luiza.....	Stockstadt, Rhein, Germany.....	279	68. University of Leipzig (Guenther, Paul Estate of).	Leipzig, Germany.....	3316
15. Doerr, Katherine Wilhelmine (widow of George Doerr).....	do.....	279	69. Gusken, Jean.....	Germany.....	1722
16. Doerr, Katherine Wilhelmine (daughter of George Doerr).....	do.....	279	70. Maschinenfabrik Götze.....	Wansee, Germany.....	1722
17. Doerr, Anna Katherine Magdalena.....	do.....	279	71. Hahn, Carl.....	Leoblingen, Rheinland, Germany.....	4162
18. Doerr, Georg Jakob Daniel Adam.....	do.....	279	72. Hillmann, Anna.....	Bacum near Bremen, Germany.....	4162
19. Doerr, Johann Jakob.....	do.....	279	73. Willmanns, Elise (a/k/a Elise Willmanns).....	Bad Godesberg am Rhein, Sibyllenstr. 37, Germany.	4162
20. Doerr, Adolph Paul.....	do.....	279	74. Visher, Margaretha (a/k/a Margaretha Visher).....	Stuttgart O. Gieselsfeldstr. 123, Germany.	4162
21. Dormemann & Company.....	Magdeburg, Germany.....	2343	75. Hahn, Helene.....	do.....	4162
22. Liska, Margit Berky (Estate of Julius Berky, dec'd).	Hungary.....	2315	76. Hato, Sadanaka.....	Hiroshima, Japan.....	3220, 62, 3635, 5705, 3639
23. Müller, Anna.....	Stockstadt, Rhein, Germany.....	279	77. Hatakeyama, Kikaji (a/k/a Kikaji Frank Hatakeyama as Kikaji Hatakeyama and as K. Hatakeyama).	Japan.....	2870
24. Eisler, Josefine (Estate of Bertha Kreisel, dec'd).	Germany.....	418	78. Hay, Allen Burns (Estate of Alexander S. Hay, dec'd).	do.....	2870
25. Farber, Josef (Estate of Bertha Kreisel, dec'd).	do.....	418	79. Heldmann, Henry C. A.....	20 Emma Strasse, Bremen, Germany.	1133
26. Meyer-Förster, Wilhelm.....	do.....	3302	80. Herkethoff, Willy.....	Beethovenstrasse 15, Koeln am Rhein, Germany.	2631
27. Fleistuck, Louise (Estate of Charles H. Barner, dec'd).	do.....	972	81. Campe, Elia.....	do.....	2631
28. Brocker, Dora (Estate of Charles H. Barner, dec'd).	do.....	972	82. Muschard, Olga.....	do.....	2631
29. Hagelmann, Maria (Estate of Charles H. Barner, dec'd).	do.....	972	83. Herzfeld-Wuesthoff, Dr. Ing. F.....	Unter den Linden 21, Berlin W8, Germany.	5574
30. Hellman, Frieda Barner (Estate of Charles H. Barner, dec'd).	do.....	972	84. Hildebrand, John.....	Nollenswald Strasse, Gengenbach, Baden, Germany.	1549
31. Hilsberg, Anna Barner (Estate of Charles H. Barner, dec'd).	do.....	972	85. Hildebrand, Mary.....	do.....	1549
32. Schroder, Emma Barner (Estate of Charles H. Barner, dec'd).	do.....	972	86. Hirsch, Otto (Estate of J. Max Hirsch, dec'd).	Germany.....	1233
33. Barner, Heitschen (Estate of Charles H. Barner, dec'd).	do.....	972	87. Hirsch, Juliana (Estate of J. Max Hirsch, dec'd).	do.....	1333
34. Gneppensrah, August (Estate of Charles H. Barner, dec'd).	do.....	972	88. Hirsch, Hans (Estate of J. Max Hirsch, dec'd).	do.....	1333
35. Gneppensrah, Wilhelm (Estate of Charles H. Barner, dec'd).	do.....	972	89. Hirsch, Dina (Estate of J. Max Hirsch, dec'd).	do.....	1333
36. Gneppensrah, Herman (Estate of Charles H. Barner, dec'd).	do.....	972	90. Hoffman, Anna (Re estate of Jacob Edelkamm).	Oan, Kreis Wittlich, Bezirk Trier, Germany.	2859
37. Gneppensrah, Karl (Estate of Charles H. Barner, dec'd).	do.....	972	91. Debat, Maria (Re estate of Jacob Edelkamm).	Prunkstrasse 42, Cologne, Germany.	2859
38. Gneppensrah, Frieda (Estate of Charles H. Barner, dec'd).	do.....	972	92. Sehm, Susanna (Re estate of Jacob Edelkamm).	Union Strasse 20, Dortmund, Germany.	2859
39. Person or persons, names unknown, entitled to receive the estate of August Vaje, who died a resident of Germany (Estate of Charles H. Barner, dec'd).	do.....	972	93. Weber, Anna Peter (Re estate of Jacob Edelkamm).	Maringe/d Mersel, Kreis Berncastel, Bezirk Trier, Germany.	2859
40. Fujii, Junichi.....	22 Nakajima, Honmachi, Hiroshima, Japan.	2317	94. Weber, Wilho Philip (Re estate of Jacob Edelkamm).	do.....	2859
41. Nagy, Lidia Fordor (Estate of Stephen Bence a/k/a Steve Bence, dec'd).	Sajokopolna, Hungary.....	1770	95. Ulrich, Mrs. M. (Re estate of Jacob Edelkamm).	Blumenstrasse 20, Saarbrücken, Germany.	2859
42. Fordor, Alexander (Estate of Stephen Bence a/k/a Steve Bence).	do.....	1770	96. Bertram, Julchen (Re estate of Jacob Edelkamm).	Hauptstrasse 10, Otterberg bis Katerslutern, Germany.	2859
43. Gaensler, Ottilie (O'TTille) (Trust under will of Anton Fiegl, dec'd).	Germany.....	663	97. Heenemann, George.....	Schlosswall 49, Osnabrück, Germany.	6403
44. Giebler, Karl.....	do.....	1010	98. Hofmeister, Gustav Otto Richard.....	67 Adolph Hitler Strasse, Hamburg, 39, Germany.	1536
45. Fischer, Sofie.....	do.....	1010	99. Hehmann, Anna Knaut.....	Halle am Saale, Germany.....	2157
46. Glenewinkel, Ida.....	Marktstr. 49, Hannover, Germany.	2679	100. Knaut, Helene.....	Halberstadt, Germany.....	2157
47. Goshio Concentration and Compress Co. Gresser, Auguste Maylinger, And the issue, whose names are unknown. (Trust under will of Frank Maylinger, dec'd).	Japan (Galveston, Tex.).....	211	101. Arndt, Leopold.....	do.....	2157
48. Gresser, Auguste Maylinger, And the issue, whose names are unknown (T U/W Frank Maylinger, dec'd).	Germany.....	2369	102. Hehmann, Max.....	Halle am Saale, Germany.....	2157
49. Pirner, Elizabeth Maylinger, And the issue, whose names are unknown (T U/W Frank Maylinger, dec'd).	do.....	2369	103. Huber, John (Estate of George W. Jacoby, dec'd).	Germany.....	2573
50. Kaerluschuntz, Johanna Maylinger, And the issue, whose names are unknown. (T U/W Frank Maylinger, dec'd).	do.....	2369	104. Japan Institute, Inc. (organized under corporate law of New York).	Japan.....	232
51. Maylinger, Robert, and the issue, whose names are unknown (T U/W Frank Maylinger, dec'd).	do.....	2369	105. Kazama, Katsu (Estate of Takabura Kazama).	do.....	614
52. Maylinger, Fritz, and the issue, whose names are unknown (T U/W Frank Maylinger, dec'd).	do.....	2369	106. Kazama, Shioya (Estate of Takabura Kazama).	do.....	614
53. Willebacher, Johanna, and the issue whose names are unknown (T U/W Frank Maylinger, dec'd).	do.....	2369	107. Kazama, Marako (Estate of Takabura Kazama).	do.....	614
54. Reckewald, Fritz, and the issue whose names are unknown (T U/W Frank Maylinger, dec'd).	do.....	2369	108. Kelm, Katharina.....	Waltersbrunn, near Zimmersee, Germany.	553
			109. Wassmuth, Karl.....	Dortmund, District of Fritlar, Germany.	553
			110. Ream, Elise.....	Groenigke, Near Borken, Herten, Germany.	553
			111. Wassmuth, August.....	Karol, Germany.....	553
			112. Wassmuth, Hans.....	do.....	553
			113. Reemtmann, Anna.....	do.....	553
			114. Wassmuth, Justus.....	Friedberg, Herten, Germany.	553
			115. Kolkmann, Heinz.....	Mucheln on the Ruhr, Germany.	553
			116. Keller, Otto (Estate of Ernst Walewitz, dec'd).	Zschoppe, Saxony, Frankfurt, Germany.	2971
			117. Stecher, Marie (Estate of Ernst Walewitz, dec'd).	Leipzig, Germany.....	2971
			118. Kokuai Kiku Kaku, Ltd.....	Tokyo, Japan.....	239

APPENDIX A—Continued

Name of debtor	Last known address	Vest- ing or- der No.	Name of debtor	Last known address	Vest- ing or- der No.
110. Kreutzer, Rudolf	No. 24 Gervinustrasse, Nuern- berg, Germany.	7240	174. Michenfelder, Vandelin, Jr. (Estate of Rosa Reiser)	Bruchsal Baden, Germany....	1652
120. Kreutzer, Walter	No. 19 Alois Wohlmutstrasse, Munich, Germany.	7240	175. Reiser, Edwin (Estate of Rosa Reiser)	do.....	1652
121. Kroger, Margrethe Baasch (Estate of Jorgine Hansen, dec'd).	Germany.....	2468	176. Reiser, Julius (Estate of Rosa Reiser)	do.....	1652
122. Kugler, Johannes (Estate of George Kug- ler, dec'd).	do.....	4055	177. Moeding, Lieselotte (Estate of Paul Ahrens)	Germany.....	6437
123. Heinzelman, Christina (Heinzelmann)	do.....	4055	178. Ahrens, Theodor (Estate of Paul Ahrens)	do.....	6437
124. Heinzelman, Anna (Heinzelmann) (Es- tate of George Kugler, dec'd).	do.....	4055	179. Ahrens, Boye (Estate of Paul Ahrens)	do.....	6437
125. Laux, Philipp Wilhelm (T U/W Henry Schaefer, dec'd).	do.....	3778	180. Ahrens, Georg (Estate of Paul Ahrens)	do.....	6437
126. Dietrich, Mathilde (T U/W Henry Schaefer, dec'd).	do.....	3778	181. Mogi, Shunzaburo	Japan.....	479
127. Bousek, Margerithe (T U/W Henry Schaefer, dec'd).	do.....	3778	182. Ozaki, H. I.	do.....	479
128. Weitzl, Frieda (T U/W Henry Schaefer, dec'd).	do.....	3778	183. Motto, Ralph (A/K/A Rinzo (Rindo) Iwamoto).	do.....	471
129. Schaefer, Wilhelm (T U/W Henry Schaefer, dec'd).	do.....	3778	184. Motto, Yasu (A/K/A Yasu Iwamoto)	do.....	471
130. Lenz, Nettchen	Kerpen, Germany.	6164	185. Mundi, Bruno	Germany.....	6029
131. Manfred Weiss Steel and Metal Works, Ltd.	V Maria Valeria Utga 17, Budapest, Hungary.	1471	186. Gotz, Martha Mundi	do.....	6029
132. Masuda, Torakichi	Asayama-mura, Kosassagun, Shizuoka-ken, Japan.	3062	187. Kutter, Lena Mundi	do.....	6029
133. Maurer, Diebold (Estate of George Maurer, dec'd).	Germany.....	2371	188. Murken, John William (Estate of Anna Gesine Hanish)	do.....	843
134. Trunkenbolz, Hans (Estate of George Maurer, dec'd).	do.....	2371	189. Murken, Dietrich (Estate of Anna Gesine Hanish)	do.....	843
135. Meyer, Wilhelm	Gr. Henstedt, Bie Bassum, Hanover, Germany.	2859	190. Muttach, Ambros (Estate of Wm. Muttach)	do.....	621
136. Meyer, Friedrich Heinrich	Wilhelmshafen, Germany.	2859	191. Muttach, Josef (Estate of Wm. Muttach)	do.....	621
137. Meyer, Johann	Sudwalde 62, Germany	2859	192. Benz, Bertha (Estate of Wm. Muttach)	do.....	621
138. Hake, Lina	Dimhausen, Germany	2859	193. Wieber, Max (Estate of Wm. Muttach)	do.....	621
139. Michael, Hedwig (Estate of Ludwig Eggebrecht).	Germany.....	236	194. Muttach, Anna (Estate of Wm. Mut- tach)	do.....	621
140. Hanich, Paul (Estate of Ludwig Egge- brecht).	do.....	2362	195. Maier, Maria (Estate of Wm. Muttach)	do.....	621
141. Hanich, Max (Estate of Ludwig Egge- brecht).	do.....	2362	196. Muttach, Fritz (Estate of Wm. Mut- tach)	do.....	621
142. Mueller, Auguste (Estate of Ludwig Eggebrecht).	do.....	2362	197. Muttach, Karl (Estate of Wm. Mut- tach)	do.....	621
143. Schultz, Ida (Estate of Ludwig Egge- brecht).	do.....	2362	198. Muttach, Ruth (Estate of Wm. Mut- tach)	do.....	621
144. Brandstaedter, Anneliese (Estate of Ludwig Eggebrecht).	do.....	2362	199. Muttach, Albert (Estate of Wm. Muttach)	do.....	621
145. Lange, Paul (Estate of Ludwig Egge- brecht).	do.....	2362	200. Muller, Hildegard (Estate of Wm. Muttach)	do.....	621
146. Eggebrecht, Hans (Estate of Ludwig Eggebrecht).	do.....	2362	201. Muttach, Albert (Estate of Wm. Mut- tach)	do.....	621
147. Drews, Margarete (Estate of Ludwig Eggebrecht).	do.....	2362	202. Muttach, Josef (Estate of Wm Muttach)	do.....	621
148. Drews, Walter (Estate of Ludwig Egge- brecht).	do.....	2362	203. Muttach, Johann (Estate of Wm Muttach)	do.....	621
149. Drews, Gertrude (Estate of Ludwig Eggebrecht).	do.....	2362	204. Muller, Hilda (Estate of Wm Muttach)	do.....	621
150. Kfeling, Charlotte (Estate of Ludwig Eggebrecht).	do.....	2362	205. Muttach, Karl (Estate of Wm Muttach)	do.....	621
151. Drews, Otto (Estate of Ludwig Egge- brecht).	do.....	2362	206. Bruker, Bibiana (Estate of Wm Mut- tach)	do.....	621
152. Drews, Richard (Estate of Ludwig Eggebrecht).	do.....	2362	207. Hassur, Lina (Estate of Wm Muttach)	do.....	621
153. Zierke, Meta (estate of Ludwig Egge- brecht).	do.....	2362	208. Rath, Karl (Estate of Wm Muttach)	do.....	621
154. Dobbert, Ernst (estate of Ludwig Egge- brecht).	do.....	2362	209. Nakayama, Dengo	Japan.....	4369
155. Dobbert, August (estate of Ludwig Eggebrecht).	do.....	2362	210. The Nippon Fire Insurance Co., Ltd. (U. S. Branch)	Tokyo, Japan (Honolulu, T. H.)	4369
156. Dobbert, Fritz (estate of Ludwig Egge- brecht).	do.....	2362	211. Nozaki, Suso (Nozaki Bros, Inc.)	Yokohama, Japan.....	597
157. Dobbert, Wilhelm (estate of Ludwig Eggebrecht).	do.....	2362	212. Nozaki, Jiro (Nozaki Bros, Inc.)	do.....	597
158. Lorenz, Anna (estate of Ludwig Egge- brecht).	do.....	2362	213. Kotake, Horitsune (Nozaki Bros., Inc.)	do.....	597
159. Berg, Luise (estate of Ludwig Egge- brecht).	do.....	2362	214. Naito, Einoshin (Nozaki Bros., Inc.)	do.....	597
160. Boettcher, Meta (estate of Ludwig Eggebrecht).	do.....	2362	215. Santo, Tomozo (Nozaki Bros., Inc.)	do.....	597
161. Nehls, Maria (estate of Ludwig Egge- brecht).	do.....	2362	216. Kinoshita, Fumio (Nozaki Bros., Inc.)	Japan.....	597
162. Arndt, Ella (estate of Ludwig Egge- brecht).	do.....	2362	217. Osaka, Syosen Kaisha (N. Y. Branch)	do.....	181
163. Schorff, Walter (estate of Ludwig Egge- brecht).	do.....	2362	218. Purper, Erich	4 Brunnenstrasse Idar-Oberstein 2, Germany.	1178
164. Teichert, Charlotte (estate of Ludwig Eggebrecht).	do.....	2362	219. Radamsky, Otto	Germany.....	1650
165. Pingel, Ursula (Estate of Ludwig Egge- brecht).	Germany.....	2362	220. Craemet, Anna	do.....	1650
166. Drews, Gerhard (heirs, executors, ad- ministrators, legatees, devisees, per- sonal representatives and assigns of Gerhard Drews, dec'd, names un- known) (Estate of Ludwig Egge- brecht).	do.....	2062	221. Kritzer, Clara	do.....	1650
167. Michenfelder, Vandelin (Estate of Rosa Reiser).	Bruchsal Baden, Germany....	1652	222. Scholz, Jr. Gustave	do.....	1650
168. Becker, Mrs. Eugene (Estate of Rosa Reiser).	do.....	1652	223. Rathje, Rohlf (Estate of Karl Heinrich Schroeder)	do.....	2573
169. Michenfelder, Carl (Estate of Rosa Reiser).	do.....	1652	224. Reinhardt, G. E.	Leipzig, Germany.....	2031
170. Michenfelder, Ludwig (Estate of Rosa Reiser).	do.....	1652	225. Reitmeier, Christian	Schirum, Kreis Aurich, Ost- friesland, Germany.	2339
171. Michenfelder, Hugo (Estate of Rosa Reiser).	do.....	1652	226. Resch, Michael (Trust under will of Martha Resch, dec'd).	Germany.....	1653
172. Michenfelder, Willie (Estate of Rosa Reiser).	do.....	1652	227. Resch, John (Trust under will of Martin Resch, dec'd).	do.....	1653
173. Michenfelder, Marie (Estate of Rosa Reiser).	do.....	1652	228. Resch, Margaret (Heirs, personal repre- sentatives, assigns, names unknown, of Margaret Resch who died a resident of Germany) (T U/W of Martin Resch, dec'd).	do.....	1653
			229. Rings, Elsie	Matzkirch uber Ratibor, Ger- many.	1457
			230. Saldern, Alexandrine von (Also known as Alix van Sandern) (Estate of Henry G. Barbey).	Germany.....	1003
			231. Sasaki, Atsuro	Japan.....	6229
			232. Schultz, Else (Estate of Martha Fahr)	Germany.....	4512
			233. Schubert, Germany (Estate of Martha Fahr)	do.....	4512
			234. Vetter, Erna (Estate of Martha Fahr)	do.....	4512
			235. Schubert, Susanne (Estate of Martha Fahr)	do.....	4512
			236. Schubert, Lore (Estate of Martha Fahr)	do.....	4512
			237. Fahr, Klaus (Estate of Martha Fahr)	do.....	4512
			238. Fahr, Paul (Estate of Martha Fahr)	do.....	4512
			239. Segebade, Reinhard	Oldenburg, Germany.....	731
			240. Segebade, Paul	Mittenwalde, Germany.....	731
			241. Creutzenberg, Ferdinand	Hamburg, Germany.....	731
			242. Creutzenberg, Heinrich	Altona Gress Flottbeck, Ger- many.	731
			243. Seitz-Werke, G. m. b. H.	Bad Kreuznach, Germany....	230-2343
			244. Rokuichi, Sera (Sera Shoten, also known as R. Sera Shoten).	Jigoenmura, Saito-gun, Hiro- shima-Ken, Japan.	2301
			245. Shido, Kay (Also known as K. (Kay) Shido).	Saga Ken, Japan.....	2340
			246. Sonnen, Jacob (Estate of John P. Son- nen, dec'd).	Germany.....	1650

APPENDIX A—Continued

Name of debtor	Last known address	Vesting order No.	Name of debtor	Last known address	Vesting order No.
247. Southern Cotton Co., Ltd.	Dallas, Tex.	69-394	235. Richter, Franz (Estate of Josephine Alfs, dec'd.)	Germany	1159
248. Arakawa, J.	Osaka, Japan	69-394	236. Richter, Fritz (Estate of Josephine Alfs, dec'd.)	do	1159
249. Ito, K.	do	69-394	237. Richter, Carl (Estate of Josephine Alfs, dec'd.)	do	1159
250. Nakamura, S.	do	69-394	238. Erythronel, Lettie (Estate of Josephine Alfs, dec'd.)	do	1159
251. Otani, K.	Nagoya, Japan	69-394	239. Unger, Mary E.	Holtsbrunnweg, Heidelberg, Schleibach, Baden, Germany	7055
252. Okamoto, T.	do	69-394	240. United Incandescent Lamp and Electrical Co., Ltd.	Ujpest, Hungary	4250
253. Toyoda, R.	do	69-394	241. Vert, Pauline (Her heirs, executors, administrators, and assigns, whose names are unknown) (Estate of Minnie W. Vert, dec'd.)	Germany	2075
254. Yamanouchi, H.	Tokyo, Japan	69-394	242. Warner, Marie (Her heirs, executors, administrators, and assigns, whose names are unknown) (Estate of Minnie W. Vert, dec'd.)	do	2075
255. Fujise, E.	Tokyo or Osaka, Japan	69-394	243. Knecht, Lila (Her heirs, executors, administrators, and assigns, whose names are unknown) (Estate of Minnie W. Vert, dec'd.)	do	2075
256. Inouye, J.	Ishiyama or Osaka, Japan	69-394	244. Watanabe, Kinjo	Tokyo, Japan	7231
257. Shimohara, Y.	Japan	69-394	245. Witthoff, Karl Franz (Estate of Bernard Witthoff)	Germany	1440
258. Takebe, S.	do	69-394	246. Person or persons, names unknown, heirs at law of Bernard Witthoff, dec'd.	do	1440
259. Kuzutani, K.	do	145	247. Weischnidt, Mrs. Dorl.	23-1 Adolph Hitler Street, Bad Nauheim, Germany	6053
260. Thomas, B. W.	Dallas, Tex.	145	248. Krutzer, Friedel	do	6058
261. Strieder, Otilie (also known as Tillie Traudt Srieder)	Leipzig, Germany	771	249. Zenzel, Johannes Otto (a/k/a Hans Zenzel) (a/k/a proprietor of Metropolitan Auto Repair, Long Island, N. Y.)	Germany	404
262. Sidenstucker, William	Kreis Werbls, Zwinge, Germany	1412	250. Starcke, William (a/k/a known as Wilhelm Starcke & W. Starcke)	c/o Singer Nähmaschinen Aktiengesellschaft, Wittenberg, Germany	7593
263. Sidenstucker, Henry	do	1412	251. van Buelow, Ida Bell Thomas (Estate of Warren F. Henley, dec'd & Trust under will of Warren F. Henley)	Germany	4330
264. Societe Miniere de Petrosani	Rumania	595	252. Handler, Mathilde R. (Estate of Theodore Roehrl, deceased)	do	1437
265. Kleinhaus, Laura, nee Spiesmacher (estate of Spiesmacher, Maximilian, also known as Max Spiesmacher)	Germany	595	253. Tenner, Josephine R. (Estate of Theodore Roehrl, deceased)	do	1437
266. Spiesmacher, Johann (estate of Spiesmacher, Maximilian, also known as Max Spiesmacher)	do	595	254. Roehrl, Franz (Estate of Theodore Roehrl, deceased)	do	1437
267. Spiesmacher, Sophie (Estate of Spiesmacher, Maximilian, also known as Max Spiesmacher)	do	595	255. Roehrl, Alfs (Estate of Theodore Roehrl, deceased)	do	1437
268. Biederman, Maria, nee Spiesmacher (Estate of Spiesmacher, Maximilian, also known as Max Spiesmacher)	do	595	256. Fujita, Heltaro (a/k/a Baron Fujita)	Prefecture of Osaka, City of Osaka, Japan	921
269. Stromeyer, Anna	do	602	257. Klenze, Taximeter-and Apparate, A. G.	Villingen-Schwarzwald, Germany	63-1240
270. Eyl, Meta	do	602	258. Friedman, Alex Firm (Firm of Alex Friedman, Louis Friedman and Emanuel Baulman)	Germany	1902-4752
271. Eyl, Hans	do	602			
272. Sutenatsu, Endo (Sole proprietor of the Honolulu Pharmacy)	Japan (Honolulu, T. H.)	2499			
273. Takaki, Sadakazu	Japan	5320			
274. Takahashi, Yuki	Setagaya-ku, Tamagawa, Oyamamachi, Tokyo, Japan	3391			
275. Takahashi, Tokue	do	3391			
276. Takahashi, Teikichi	891 Buaji, Suido-cho, Nigata Prefecture, Japan	3370			
277. Teruya, Ushi (Sole proprietor of Hibiscus Cafe)	Okinawa Ren, Japan (Honolulu, T. H.)	2593			
278. The United Ocean Transport Co., Ltd. (Daigo Kaun Kabushiki Kaisha)	Kobe, Japan	179			
279. Ulbricht, Willy (Ulbricht) (Estate of Josephine Alfs, dec'd.)	Germany	2545			
280. Schade, Anna (Estate of Josephine Alfs, dec'd.)	Germany	1150			
281. Miffag, Johanne (Estate of Josephine Alfs, dec'd.)	do	1150			
282. Ulbricht, Hans (Ulbricht) (Estate of Josephine Alfs, dec'd.)	do	1150			
283. Schindler, Grete (Estate of Josephine Alfs, dec'd.)	do	1150			
284. Richter, Rudolf (Estate of Josephine Alfs, dec'd.)	do	1150			

[F. R. Doc. 47-8038; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9630]

YAMATAKE & Co., LTD.

In re: Debt owing to Yamatake & Co., Ltd. F-39-2220-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamatake & Co., Ltd., the last known address of which is Yaesu Building, Marounuchi, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Yamatake & Co., Ltd., by The Imperial Export Company, Inc., 44 Whitehall Street, New York 4, New York, in the amount of \$25,810.34, as of December 31, 1945, together with any and

all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7938; Filed, Aug. 23, 1947; 8:50 a. m.]

[Vesting Order 9607]

MAX ARNDT ET AL.

In re: Stock owned by Max Arndt and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Three hundred and twelve and one-tenth (312.1) shares of \$10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered as set forth in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, in the amounts appearing opposite each cer-

tificate number listed in Exhibit A, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Names	Number of shares	Certificate No.	OAP File Nos.	Names	Number of shares	Certificate No.	OAP File Nos.
Max Arndt.....	1	771398	F-28-4346-D-1.	Ludwig E. Grosskopf.....	0.5	155363	F-28-22341-D-1.
	2.5	7372			1	286432	
	.1	238594			.5	61071	
Konrad Bauer.....	.4	100055	F-28-25720-D-1.		.1	135295	
	.4	2177		George Hagedorn.....	.4	83373	F-28-22342-D-1.
	.1	51305		Fred Handel.....	10	80662	F-28-22343-D-1.
	.1	35389			.6	740340	
Emmy Bloechinger.....	3	701123	F-28-22320-D-1.		.4	967622	
	.3	302			.6	69367	
Gustav Bockstette.....	2	18210	F-28-22321-D-1.		1	76246	
	.4	580695		Joseph Handgroedinger.....	1	250615	F-28-22344-D-1.
	.4	42070			.1	28205	
	.4	400			.1	96344	
Hugo Boernert.....	4	740205	F-28-22322-D-1.	Carl Hartl.....	10	37787	F-28-13643-D-1.
	3.5	89741			2	77722	
	.6	231858			.6	963554	
Joe Bollinger.....	2	231684	F-28-22323-D-1.		.7	61384	
	.4	683010			1.2	78403	
	.5	93596		Karin Hedberg-Ruppell.....	1.1	38363	F-28-22346-D-1.
Otto Bruno & Frieda Kanis.....	4	367440	F-28-22324-D-1.	Willy Helwig.....	13	63376	F-28-22347-D-1.
	.4	307816		Fred Hennings.....	2.5	148763	F-28-22348-D-1.
	.4	74704			1	37291	
	.4	271689			.4	50253	
	.4	331850			.2	325340	
	.4	579727		Henry Hennings.....	.4	55539	F-28-22349-D-1.
Elizabeth Buch.....	5	43842	F-28-22325-D-1.	Ida Hermanutz.....	1.5	285670	F-28-22347-D-1.
Conni Burchard.....	1	73439	F-28-22326-D-1.		.4	79553	
	.1	72651		Santos Hernandez.....	1	83366	F-28-22348-D-1.
August Busch & Marie Busch.....	2	7323	F-28-22327-D-1.	Rose Heymann.....	2	260215	F-28-22349-D-1.
	.3	262565		Herbert Hildebrand.....	1	184266	F-28-22350-D-1.
	.1	7333			.5	94990	
	.1	540831			1.5	11289	
Col. Dr. Charles F. Conrad.....	.4	333383	F-28-22328-D-1.		1.5	63113	
Mathias Dampfle.....	2	83953	F-28-22329-D-1.		.2	355	
	.2	676067			.5	464270	
Meta Dede.....	.4	160361	F-28-22331-D-1.		.5	464271	
Jakob Diebel.....	1	55540	F-28-22332-D-1.		1	464272	
	.1	315427			.3	62940	
	.1	83441		Franz Hoerning.....	34	32062	F-28-22352-D-1.
Ralph Dringenberg.....	4	10480	F-28-22333-D-1.	Juditha Hoerning.....	11	32063	F-28-22353-D-1.
	2	802582		Joseph Hofmann.....	10	306241	F-28-22354-D-1.
	.4	32726		Maria B. Hofmann.....	1.5	39463	F-28-22355-D-1.
	2.5	92739		Gertrude Hoyer.....	1	281776	F-28-22348-D-1.
	.5	6646			1	20749	
	.4	79272			.3	383	
	10	385187		Paul Hunlek.....	.8	69373	F-28-22349-D-1.
	.8	93964			.1	16760	
Jacob Eberhard & Mary Eberhard.....	8	48573	F-28-22334-D-1.	Olga Jurkscheit.....	8	6003	F-28-18205-D-1.
	10	18086		Carl H. Jutting.....	.5	633274	F-28-22350-D-1.
	9.2	81201			.1	297622	
	2	91732		Elizabeth Katt.....	10	54869	F-28-22351-D-1.
Eric Eger.....	2.8	111051	F-28-22335-D-1.	Frida Kaufmann.....	1	29916	F-28-22352-D-1.
	4.4	257281			1	63278	
	2	474422			.2	23360	
Umberto Ercolani.....	.3	283918	F-28-872-D-2.	Lottie Kempe.....	1	66683	F-28-22353-D-1.
	.4	441423		Kurt Kirst.....	1.2	27220	F-28-22354-D-1.
Anna Faber.....	2.5	297749			.4	636704	
August Fischbeck.....	.4	766710	F-28-22336-D-1.		.9	974340	
	2	983811	F-28-22337-D-1.	Julia Knoedler.....	2.5	297654	
	.5	22182		Johann Koenig.....	3.8	29760	F-28-22122-D-1.
	.4	22064		Marie Koeppler.....	.7	753918	F-28-22355-D-1.
	.4	28616			1.5	333367	
Joseph Fischhaber.....	.5	286950	F-28-22338-D-1.		.1	623544	F-28-13778-D-1.
Mary Fischhaber.....	.5	20212	F-28-22339-D-1.		.2	21020	
Ellsabeth Foerderung.....	1	20213	F-28-49-D-1.	Anton Kelle.....	1	319341	
Robert Krings.....	.4	738	F-28-25722-D-1.	John Kreitmeyer.....	5	7383	F-28-22356-D-1.
	.4	AL 71307			.4	697737	
	.5	XL 255732		Maria L. Krug.....	1	7389	
Johanna Grosskopf.....	1	FL 93807	F-28-22340-D-1.		.1	101009	F-28-22357-D-1.
	.5	198785			.1	25073	
	.2	199842			.1	165181	
	.2	93340					
	.2	26993					
	.2	44681					

[Vesting Order 9626]

AISAN SHOKUFUSHA

In re: Debt owing to Aisan Shokufusha. F-39-4982-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aisan Shokufusha, the last known address of which is Yokohama, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Aisan Shokufusha by Panama Railroad Company, Balboa Heights, Canal Zone, in the amount of \$518.35, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7996; Filed, Aug. 26, 1947; 8:50 a. m.]

[Vesting Order 9628]

MAX AND MARGARETE WINTER

In re: Bank account owned by Max Winter and Margarete Winter. F-28-22796-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Winter and Margarete Winter, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Max Winter and Margarete Winter, by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 665,326, entitled Max Winter and Margarete Winter, or either or survivor, maintained at the Fourteenth Street Branch Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7997; Filed, Aug. 26, 1947; 8:50 a. m.]

[Vesting Order 9637]

MARGARET AMALIE GEIST

In re: Estate of Margaret Amalie Geist, deceased. File D-28-11990; E. T. sec. 16169.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Leopold Geist, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to a savings account No. 83284 in The Savings Bank of Baltimore in the name of Josef Leopold Geist, minor, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by The Savings Bank of Baltimore, as depository, acting under the judicial supervision of the Orphans' Court of Baltimore City, Maryland;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7999; Filed, Aug. 26, 1947; 8:51 a. m.]

[Vesting Order 9641]

M. I. AKAMATSU

In re: Debt owing to M. I. Akamatsu. D-39-18342-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. I. Akamatsu, whose last known address is 649 Koenji Suganami, Machi, Tokyo-Fu, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to M. I. Akamatsu by Waltham Watch Company, Waltham, Massachusetts, in the amount of \$175.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8026; Filed, Aug. 27, 1947; 8:45 a. m.]

[Vesting Order 9643]

EMILIE ALMERS

In re: Bank account owned by Emilie Almers. F-28-2032-C-1, F-28-2032-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Almers, whose last known address is Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Continental Bank & Trust Company of New York, 30 Broad Street, New York, New York, arising out of a Checking Account, entitled Emilie Almers, The German Society of the City of New York, Agent, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8028; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9648]

RICHARD BOAS & Co.

In re: Debt owing to Richard Boas & Co. F-28-22064-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Boas & Co., the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Richard Boas & Co., by Akatos, Inc., 3240 Henry Hudson Parkway, New York 63, New York, in the amount of \$181.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8029; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9649]

LEO FEIST ET AL.

In re: Debt owing to Leo Feist, and others. D-28-4226-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Leo Feist, Haltingen, Germany.
Johanna Joos, nee Bell, Staufen, Germany.
Amalie Knapp, nee Feist, also known as Amalia Knapp, Wiesbaden, Germany.
Henriette Kalweit, nee Knapp, also known as Ida Henriette Kalweit, Wiesbaden, Germany.

Karoline Weigel, nee Feist, Wiesbaden, Germany.

Ida Frohbosse, nee Feist, also known as Ida Frohbise, Mannheim, Germany.

Margarete Feist, nee Schlenger, Heldeshelm, Germany.

Herbert Feist (a minor), Heldeshelm, Germany.

Anni Feist (a minor), Heldeshelm, Germany.

Erika Becker, nee Feist, Gosenhelm, Germany.

are residents of Germany and nationals of a designated enemy country (Germany),

2. That the persons whose names and last known addresses are as follows:

Brigitte Feist, Heldeshelm, Germany.
Wilhelm Ferdinand Knapp, also known as William Knapp, Wiesbaden, Germany.

are residents of Germany and nationals of a designated enemy country (Germany)

3. That the property described as follows: That certain debt or other obligation of the Mississippi Valley Trust Company, Broadway and Olive Streets, St. Louis, Missouri, arising out of a blocked account, entitled Detjen and Detjen, Attys-in-Fact for 11 Nationals of Germany, as specified in Treas. License No. S. L. 1029, DTD 12-4-1941, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany),

4. That the property described as follows:

That certain debt or other obligation of the Mississippi Valley Trust Company, Broadway and Olive streets, St. Louis, Missouri, arising out of a blocked account, entitled Detjen and Detjen, Atty-in-Fact 9 Nationals of Germany, as specified in Treas. License No. S. L. 1035, DTD 11-5-1941, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8030; Filed, Aug. 27, 1947;
8:46 a. m.]

[Vesting Order 9651]

T. FUKUHARA SHOTEN, LTD.

In re: Debt owing to T. Fukuhara Shoten, Ltd. F-39-4587-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Fukuhara Shoten, Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to T. Fukuhara Shoten, Ltd., by Union Special Machine Company, 400

North Franklin Street, Chicago 10, Illinois, in the amount of \$91.41, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8031; Filed, Aug. 27, 1947;
8:46 a. m.]

[Vesting Order 9653]

HIDEO KAI

In re: Debt owing to Hideo Kai. F-39-4432-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideo Kai, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Hideo Kai, by Marks & Clerk, 220 Broadway, New York 7, N. Y., in the amount of \$661.95, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8032; Filed, Aug. 27, 1947;
8:46 a. m.]

[Vesting Order 9654]

CHIHAKU KATAGIRI

In re: Debt owing to Chihaku Katagiri. D-39-1763-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chihaku Katagiri, whose last known address is 1243 5 Chome, Nishi Nakanabe, Ebara Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation of Superintendent of Banks of the State of New York in trust for depositors and creditors of The Bank of United States in Liquidation, 80 Spring Street, New York 12, New York, arising out of a commercial account entitled Katagiri Corp., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Chihaku Katagiri, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8033; Filed, Aug. 27, 1947;
8:46 a. m.]

[Vesting Order 9655]

KOH KAWARADA

In re: Debt owing to Koh Kawarada.
F-39-4647-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Koh Kawarada, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan).

2. That the property described as follows: That certain debt or other obligation owing to Koh Kawarada, by Langner, Parry, Card and Langner, 120 East 41st Street, New York 17, New York, in the amount of \$671.88, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8034; Filed, Aug. 27, 1947;
8:46 a. m.]

[Vesting Order 9660]

Gg LANG, sel ERBEN AND MISS LANG

In re: Debt owing to Gg Lang, sel Erben, also known as Georg Lang sel Erben and Miss Lang. F-28-13877-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gg Lang, sel Erben, also known as Georg Lang sel Erben, the last known address of which is Oberammargau 160 Germany, is a corporation, partnership, association, or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 9389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That Miss Lang, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

3. That the property described as follows: That certain debt or other obligation of Bendix Manufacturing Company, 192 Lexington Avenue, New York 16, New York, in the amount of \$1,654.64, as of December 31, 1945, presently on deposit with the American Savings & Loan Assn., 437 Fourth Avenue, New York, New York, in a Savings Share Account, Account Number 13612, entitled Ferdinand A. Bendix I. T. F. Miss Lang, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gg Lang, sel Erben, also known as Georg Lang sel Erben and Miss Lang, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8035; Filed, Aug. 27, 1947;
8:46 a. m.]

[Vesting Order 9663]

YOSHIO NIYAMA

In re: Debt owing to Yoshio Niyama.
F-39-4709-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshio Niyama, whose last known address is Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Yoshio Niyama, by E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, in the amount of \$868.28, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8036; Filed, Aug. 27, 1947;
8:46 a. m.]